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PAGE 01

NC 49981

TOR1292344Z APR 75

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O 292230Z APR 75

FM AMEMBASSY LIMA

TO RUEHC/SECSTATE WASHDC IMMEDIATE 4931

RUFHGV/USMISSION GENEVA IMMEDIATE 207

BT

C O N F I D E N T I A L LIMA 3507

FOR USDEL LOS

E.O. 11652: GDS

TAGSI PLOS, PE

SUBJECT: PERUVIAN FOREIGN MINISTRY REQUESTS CLARIFICATION
OF U.S. POSITION ON DEEP SEABEDS ISSUE

1, AMBASSADOR ANTONIO BELAUNDE, FOREIGN MINISTRY EXPERT ON
LOS, ASKED EMBASSY OFFICER APRIL 28 FOR CLARIFICATION OF
VARIOUS POINTS WHICH PERUVIAN LOS DELEGATION HAD RECEIVED
FROM UNDER SECRETARY MAW DURING COVERSATION IN GENEVA
WEEK OF APRIL 14-18. BELAUNDE THEN READ FROM A CLASSIFIED
DESPATCH PREPARED BY PERUVIAN REPRESENTATIVE DE SOTO WHICH
REPORTED ON CONVERSATIONS THE LATTER HAD HELD WITH MAW
AND POSSIBLY OTHER MEMBERS OF U.S. DELEGATION ON THE
JURIDICAL STRUCTURE OF THE AUTHORITY OF THE DEEP SEABED.
FOLLOWING ARE SPECIFIC ISSUES AND QUESTIONS WHICH
BELAUNDE RAISED: (FOLLOWING IS PARAPHRASED FROM
SPANISH IN THE REPORT.)

A, TRANSFER OF TITLE TO EXPLOIT SEABED RESOURCE -
ALLEGED U.S. POSITION: TITLE TO USE OF THE RESOURCE
WOULD BE TRANSFERRED TO THE CONTRACTING PARTY (CON-
TRACTANTE) WHEN THE PRINCIPAL INVESTMENT IS MADE.
WITHOUT SUCH TRANSFER OF TITLE, NO FINANCING WOULD BE
POSSIBLE. QUESTIONS: HOW CAN TITLE BE TRANSFERRED
WITHOUT THE EXPRESS CONSENT OF THE AUTHORITY? IS SOME
KIND OF MORTGAGE SYSTEM ENVISAGED THROUGH THE BANKING
SYSTEM? WHAT OTHER KINDS OF FINANCING WOULD BE POSSIBLE?
B, PROSPECTING OPERATIONS - ALLEGED U.S. POSITION:
THE USG PROPOSES THAT PROSPECTORS WOULD BE OBLIGED TO
MAKE AVAILABLE POTENTIAL DATA TO THE AUTHORITY BUT IN
SUCH A WAY AS TO PROTECT THEIR PROPERTY RIGHTS TO THE
DATA. THUS, PROSPECTORS WOULD MAKE AVAILABLE GENERAL
COORDINATES CONCERNING THEIR EXPLORATION, BUT NOT
SPECIFIC COORDINATES. QUESTION: WHAT IS THE DEFINI-
TION OF GENERAL COORDINATES?

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C. CONTRACTORS AND TECHNOLOGY TRANSFER - ALLEGED U.S. POSITION: CONTRACTORS IN RESERVED AREAS WOULD BE OBLIGED TO FURNISH THE AUTHORITY WITH "TECHNOLOGICAL INFORMATION" (INFORMACION SOBRE TECNOLOGIA) BUT NOT TECHNOLOGY ITSELF. QUESTION: WHAT IS THE DIFFERENCE BETWEEN THESE TWO CONCEPTS?

D. TRIBUNAL AND ROLE OF INJUNCTION - ALLEGED U.S. POSITION: THE TRIBUNAL SHOULD HAVE THE POWER OF "INJUNCTIVE RELIEF." QUESTION: WHAT ARE THE CONSEQUENCES OF NON-COMPLIANCE WITH SUCH AN INJUNCTIVE RELIEF ORDER? (NOTE: BELAUNDE EXPLAINED THAT HIS CONCEPT CAUSES PROBLEMS FOR COUNTRIES WITH ROMAN LAW SYSTEM, SINCE INJUNCTIVE POWERS OF COURTS IN MANY LATIN COUNTRIES ARE VERY LIMITED.)

E. AMENDMENTS TO THE SYSTEM - ALLEGED U.S. POSITION: USG FAVORS TACIT APPROVAL OF AMENDMENTS PER THE ICAO MECHANISM, BUT WITHOUT REPEAT WITHOUT AMENDMENTS PASSING THROUGH THE ASSEMBLY. QUESTION: HOW WOULD THIS BE POSSIBLE, SINCE THE ICAO SYSTEM REQUIRES ACTION BY ITS EQUIVALENT BODY AND THEREFORE PRESUMABLY THE AUTHORITY'S ASSEMBLY WOULD BE INVOLVED IN SOME WAY IN CONSIDERATION OF AMENDMENTS TO THE SYSTEM?

2. COMMENT/ACTION REQUEST: WHILE THE EMBASSY DOES NOT POSSESS ADEQUATE TECHNICAL INFORMATION TO RESPOND TO SUCH QUESTIONS ITSELF AND FURTHER DOES NOT BELIEVE IT WOULD GENERALLY BE USEFUL TO BECOME INVOLVED HERE IN HIGHLY TECHNICAL QUESTIONS, WE ARE PLEASED THAT FOREIGN MINISTRY FOR THE FIRST TIME HAS DECIDED TO DISCUSS SUCH QUESTIONS WITH US. THUS, WE BELIEVE IT WOULD BE USEFUL FOR THE DEPARTMENT AND U.S. LOS DEL GENEVA TO MAKE AVAILABLE TO US WHATEVER INFORMATION MAY ALREADY BE AVAILABLE, WE REALIZE THAT, GIVEN THE NATURE OF THE QUESTIONS, IT IS POSSIBLE THAT NO SPECIFIC ANSWERS HAVE YET BEEN FORMULATED, BUT WOULD NONETHELESS LIKE TO RESPOND AS CANDIDLY TO BELAUNDE AS POSSIBLE. DEAN

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PAGE 01

NC 49917

TOR1292209Z APR 75

R 291737Z APR 75

FM AMEMBASSY PARIS

TO RUFHGV/USMISSION GENEVA 6495

INFO RUEHC/SECSTATE WASHDC 8924

BT

C O N F I D E N T I A L PARIS 10894

FOR MOORE FROM AMBASSADOR

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: FRENCH ATTITUDES TOWARDS LOS NEGOTIATIONS

REF: GENEVA 2836

1, WE HAVE NO REASON TO BELIEVE THAT FRENCH HESITATIONS ON LOS CONVENTION ARE BASED ON ANYTHING OTHER THAN REASON YOU HAVE NOTED; THAT IS, GOF FEELING THAT EVOLVING LOS CONSENSUS IS NOT FAVORABLE TO--PERHAPS EVEN CONTRARY TO--FRENCH INTERESTS, PARTICULARLY IN THE ECONOMIC ZONE, FOR SOME TIME, FRENCH OFFICIALS HAVE APPROACHED LOS NEGOTIATIONS WITHOUT GREAT ENTHUSIASM (PARIS 25251 OF 10/74); APPARENTLY DAMAGE-LIMITATION IS THEIR MAJOR CURRENT NEGOTIATING GOAL.

2, LOS POLICY IS NOT PARTICULARLY CONTENTIOUS ISSUE WITHIN GOF. MAJOR DOMESTIC POLITICAL PRESSURE ON GOVERNMENT IS FROM FISHING INDUSTRY, WHICH BELIEVES ECONOMIC ZONE REGIME EMERGING FROM GENEVA NEGOTIATIONS WILL ENDANGER ITS ACCESS TO IMPORTANT DISTANT FISHERIES. AS FRANCE HAS NO IMPORTANT COASTAL SHELF RESOURCES TO PROTECT IN RETURN FOR ACCEPTING ECONOMIC ZONE RESTRICTIONS BY OTHERS, GOF OFFICIALS HAVE AT TIMES GIVEN IMPRESSION THAT THEY WELD NOT BE UNHAPPY OVER FAILURE OF EFFORT TO NEGOTIATE COMPREHENSIVE LOS CONVENTION, SO AS TO BE FREE TO PURSUE FRENCH ECONOMIC ADVANTAGE BILATERALLY OR ON REGIONAL BASIS WITH CHOSEN RESOURCE-RICH COASTAL STATES. ON TRANSIT AND NAVIGATION ISSUES WHICH ALSO IMPORTANT TO GOF, FRENCH APPEAR TO FEEL THEY CAN LIVE WITHOUT CONVENTION AS LONG AS MAJOR MARITIME POWERS REMAIN UNITED TO PROTECT THEIR INTERESTS.

3, WE ARE NOT OPTIMISTIC THAT GOF CAN BE CONVERTED TO POSITIVE VIRTUES OF CONVENTION. WHILE CHIEF NEGOTIATORS MAY REMAIN PREPARED TO MAKE EFFORT, WE

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TOR:292209Z APR 75

DOUBT IF THEIR INSTRUCTIONS GIVE THEM MUCH ROOM FOR
IMAGINATIVE COMPROMISE, OR SPIRITED RESISTANCE TO
GROUP OF 77 DEMANDS. GOF'S ESSENTIALLY PESSIMISTIC
ANALYSIS SEEMS TO BE SLIPPING TOWARD CONCLUSION THAT
FRENCH INTERESTS CAN BE AS WELL PROTECTED WITHOUT
COMPREHENSIVE LOS CONVENTION AS UNDER ONE WHICH THEY
FIND UNSATISFACTORY. IN THIS CONTEXT, BELIEVE OUR BEST
APPROACH WOULD BE TO ACCENTUATE THE NEGATIVE--THAT IS,
THE HARMFUL EFFECT WHICH FAILURE OF LOS CONFERENCE
COULD HOLD FOR FRENCH INTERESTS.
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NC 48552

TOR:282110Z APR 75

P R 282051Z APR 75
FM USMISSION GENEVA
TO RUEHC/SECSTATE WASHDC PRIORITY 2458
INFO RUEWQI/AMEMBASSY QUITO 0116
RUEWQIP/AMCONSUL GUAYAQUIL 0006

BT

C O N F I D E N T I A L GENEVA 3010
FROM USDEL LOS
EO 11652: GDS

TAGS: PLOS EFIS EC

SUBJ: LOS: TUNA DISPUTE: A.K. STROM

REF: A. QUITO 2831, B. STATE 95869

1. WE CONCUR REASONING PARA 2 REFTEL.

2. IF GOE HAS NOT YET FOCUSED ON AND REACHED DECISION RE
VIOLATION ECUADORAN REGULATIONS, RAISING ISSUE COULD FORCE
DECISION WHICH MIGHT GO AGAINST OUR MUTUAL INTEREST IN
MAINTAINING CLIMATE FOR NEGOTIATIONS. IF GOE HAS ALREADY
DECIDED NOT TAKE ACTION AGAINST VIOLATORS, STICKING TO THAT
DECISION WILL BE EASIER IF ALL CONCERNED TREAT IT AS
OVERSIGHT RATHER THAN CONCESSION. ONLY CASE FOR RAISING
ISSUE AS REQUESTED REFTEL B IS IF EMBASSY BELIEVES A.K.
STROM IN DANGER BEING SEIZED AS RESULT OF FAILURE OF GOE
TO FOCUS ON THE IMPLICATIONS OF ANOTHER SEIZURE AND ALSO
BELIEVES RAISING ISSUE WOULD BE MORE LIKELY TO SUCCEED THAN
TO FORCE ADVERSE DECISION.

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NC 48491

TOR1281937Z APR 75

R 281525Z APR 75
FM USMISSION GENEVA
TO RUEHC/SECSTATE WASHDC 2443
INFO RUQMGR/AMEMBASSY ANKARA 853
RUQMAT/AMEMBASSY ATHENS 616
BT
C O N F I D E N T I A L GENEVA 2993
FROM USDEL LOS
EO 11652: GDS
TAGS: PLOS, GR, TU
SUBJ: AEGEAN DISPUTE
REF: ANKARA 2912

DISCREET SOUNDINGS FAIL TO INDICATE ANY EVIDENCE OF
LOBBYING BY TURKS OR GREEKS AMONG OTHER DELEGATIONS
ON AEGEAN DISPUTE, TERRITORIAL SEA ISSUE STILL UNDER
DISCUSSION BUT THERE IS GENERAL TREND IN FAVOR OF 12
MILE LIMIT, WITH HOWEVER MANY DELEGATIONS CONDITIONING
THEIR WILLINGNESS TO ACCEPT 12 MILE FIGURE ON
SATISFACTORY ACCOMMODATION OF OTHER ISSUES, E.G.,
STRAITS. TURKS HAVE PRIVATELY EXPRESSED FEAR
GREEKS MIGHT ACT ON 12 MILE EXTENSION AT END OF
GENEVA SESSION.
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TOR1280906Z APR 75

R 261451Z APR 75
FM U S MISSION GENEVA
TO RUEHC/SECSTATE WASHDC 2427
INFO RUEHOT/US MISSION USUN NEW YORK 1618
RUEHIA/USIA WASHDC 1472

BT

C O N F I D E N T I A L GENEVA 2972

USIA PASS IPS AND IBS

FROM USDEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: CLASSIFIED LOS WEEKLY SUMMARY FOR D/LOS,
WEEK ENDING APRIL 25

1. SUMMARY: ON DEEP SEABED, LDC ATTACHMENT TO DIRECT
EXPLOITATION BY ENTERPRISE CONTINUES. COMMITTEE II IS
LARGELY MARKING TIME UNTIL APPEARANCE OF SINGLE, UNIFIED
TEXT. EVENSEN GROUP TOOK UP CONSIDERATION OF MARINE
POLLUTION. END SUMMARY.

2. COMMITTEE I: GROUP OF 77 IN COMMITTEE I (CI) HAS
MET INTENSIVELY OVER PAST WEEK TO DEVELOP COMMON POSITION
ON BASIC CONDITIONS OF EXPLOITATION AND INTERNATIONAL
MACHINERY ARTICLES. ON BASIC CONDITIONS, LDC'S HAVE
REJECTED SOVIET CONCEPT OF RESERVED AREAS EXCLUSIVELY
FOR STATES. US APPROACH TO RESERVED AREAS THAT INCLUDES
SUBMISSION OF TWO BLOCKS BY EACH APPLICANT HAS BEEN REJECTED
IN A QUALIFIED MANNER, IE.,., LDC'S WANT TO CREATE HARMONY
OF REGIMES APPLICABLE IN BOTH RESERVED AND NON-
RESERVED AREAS. GROUP OF 77 HAS OFFICIALLY QUOTE
LEFT THE DOOR OPEN UNQUOTE FOR FURTHER DISCUSSIONS ON
US APPROACH. GROUP IS STILL UNABLE TO COMPLETELY RELIN-
QUISH IDEOLOGICAL ATTACHMENT TO DIRECT EXPLOITATION AS
CONCEIVED IN THEIR VERSION ARTICLE 9. WE ANTICIPATE
REVISED GROUP OF 77 ARTICLES ON MACHINERY TO BE PRESENTED
SOON AND UNDERSTAND COUNCIL ARTICLE WILL PROVIDE FOR
REPRESENTATION OF QUOTE SPECIAL INTERESTS. UNQUOTE.
SINGLE TEXT OF REGIME AND MACHINERY ARTICLES HAS BEEN
PREPARED BY WORKING GROUP CHAIRMAN PINTO, ALTHOUGH CI
CHAIRMAN ENGO WILL EVENTUALLY PRESENT TEXTS UNDER HIS
OWN NAME. EXPECT REMAINDER OF SESSION WILL BE DEVOTED
TO PRIVATE CONSULTATIONS ON SINGLE TEXT DRAFT PRIOR TO

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TOR1280906Z APR 75

ITS RELEASE, AS WELL AS CONTINUED EFFORTS BY KEY LEADERSHIP TO REACH CONSENSUS ON GENERAL OUTLINE OF ART. 9 AND BASIC CONDITIONS.

3. COMMITTEE III: WHILE INFORMAL CONSULTATIVE WORKING GROUPS ON MAIN SUBJECTS AND SMALLER NEGOTIATING GROUPS ESTABLISHED TO DEVELOP SPECIFIC TEXTS FOR PARTICULAR PROVISIONS MEET PUBLICLY, SMALL GROUP NEGOTIATIONS ON IMPORTANT UNRESOLVED ISSUES ALSO CONTINUE IN PRIVATE. U.K.-FIJI TEXT ON STRAITS, SUPPORTED BY 14 OTHER STATES, BEING PRIVATELY CRITICIZED BY SPAIN, CANADA, KENYA AND SEVERAL OTHER STATES WHO RESENT EFFORT TO PREEMPT FORMULATION OF STRAITS ITEM IN CHAIRMAN'S SINGLE TEXT. SPAIN IS PLAYING VERY ACTIVE ROLE IN INFORMAL CONSULTATIONS ON INNOCENT PASSAGE WHERE IT SEIZES EVERY OPPORTUNITY TO CONCENTRATE ALL ATTENTION ON INNOCENT PASSAGE. DISTURBINGLY BROAD SUPPORT SEEMS TO EXIST FOR NON-EXCLUSIVE LIST OF NON-INNOCENT ACTS. CANADA, ARGENTINA, AUSTRALIA, NEW ZEALAND, NORWAY AND THE UK HAVE AGREED ON TEXT DEFINING CONTINENTAL SHELF AND ITS OUTER LIMIT (TEXT SENT D/LOS). US RESERVED ITS POSITION ON TEXT. US, USSR, UK, BAHAMAS, FIJI, AND INDONESIA MET WITH CHAIRMAN OF C-II TO DISCUSS ARCHIPELAGO ISSUE. SEVERAL MORE MEETINGS ARE SCHEDULED FOR NEXT WEEK WITH GROUP EXPANDED TO INCLUDE JAPAN, PHILIPPINES AND MAURITIUS. INFORMAL ECONOMIC ZONE DISCUSSION REVEALED WIDE DIFFERENCES BETWEEN POSITIONS OF COASTALLY ORIENTED STATES AND LANDLOCKED, GEOGRAPHICALLY DISADVANTAGED GROUP. AT SAME TIME, IT WAS A POSITIVE DEVELOPMENT FOR BOTH CHINA AND INDIA CLEARLY TO ENDORSE FREEDOM OF NAVIGATION IN ECONOMIC ZONE. WE UNDERSTAND ROUGH DRAFT OF SINGLE TEXT ON C-II ISSUES HAS BEEN COMPLETED AND IS BEING REVISED AS INFORMAL CONSULTATIONS TAKE PLACE ON EACH SUBJECT. TEXT BEING CLOSELY HELD BY CHAIRMAN. PROBABILITY IS THAT SINGLE TEXT WILL NOT APPEAR IN PUBLIC, IF AT ALL, UNTIL FINAL DAYS OF THIS SESSION.

4. COMMITTEE III:

(A) MARINE POLLUTION: PRIVATE NEGOTIATIONS CHAIRED BY VALLARTA ENCOUNTERED EXTREME DIFFICULTY IN ATTEMPTING TO DRAFT TEXT ON CONTINENTAL SHELF POLLUTION. BRAZIL INSISTED ON RAISING JURISDICTIONAL QUESTION AND WANTED

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TOR1280906Z APR 75

LANGUAGE CLEARLY TO REFLECT ITS POSITION THAT IT HAD JURISDICTION OVER ALL ACTIVITIES AND INSTALLATIONS ON CONTINENTAL SHELF, US PROPOSED NEUTRAL CROSS-REFERENCE TO CHAPTERS ON ECONOMIC ZONE AND CONTINENTAL SHELF, BUT BRAZIL REFUSED TO ACCEPT NEUTRAL SOLUTION. SUBJECT HAS BEEN SET ASIDE FOR TIME BEING, VALLARTA GROUP CLOSE TO AGREEMENT ON DRAFT ARTICLE ON DUMPING.

EVENSEN GROUP SPENT TWO MEETINGS ON MARINE POLLUTION STANDARD SETTING IN TERRITORIAL SEA. NUMBER OF COASTAL STATES WANT FULL STANDARD SETTING AUTHORITY, WHILE MARITIME STATES PREFER LIMITING STANDARDS TO DISCHARGE. EVENSEN WILL MOVE TO STANDARDS IN ECONOMIC ZONE ON MONDAY.

(B) MARINE SCIENTIFIC RESEARCH: EFFECTIVENESS OF INFORMAL NEGOTIATING GROUP DEALING WITH RESEARCH IN ECONOMIC ZONE CONTINUES BE HAMPERED BY ABSENCE OF BROAD REPRESENTATION OF GROUP OF 77. DISCUSSIONS PAST WEEK HAVE CENTERED UPON L.19 WITH SEVERAL QUESTIONS POSED BY ~~MEXICO~~ AND ~~INDIA~~—ONLY TWO MEMBERS OF GROUP OF 77 ATTENDING. PRIMARY THRUST OF COMMENTS BY THEM HAVE BEEN UPON NECESSITY FOR COASTAL STATE PARTICIPATION IN PLANNING, CONDUCT AND ANALYSIS OF RESEARCH PROJECT. ~~MEXICO~~, ~~IRELAND~~ HAVE PRODUCED NEW TEXT, WHICH IS BEING INFORMALLY CIRCULATED, THAT PROVIDES OBLIGATION REGIME FOR FUNDAMENTAL RESEARCH AND CONSENT REGIME FOR RESEARCH RELATED TO RESOURCES. IF DISPUTE ARISES, PROPOSAL WOULD PROVIDE FOR EXPERTS TO ASSIST PARTIES TO REACH AGREEMENT, BUT EXPERTS' DECISIONS WOULD NOT BE BINDING ON COASTAL STATES.

5. DISPUTE SETTLEMENT: GROUP COMPLETED DISCUSSION DRAFT CHAPTER AND ANNEXES ON DISPUTE SETTLEMENT. AS RESULT OF ~~JAPANESE~~, ~~LATIN~~, AND ~~SOVIET~~ OPPOSITION TO GROUP'S APPROACH OF BLANKET COMPULSORY DISPUTE SETTLEMENT (CDS) SUBJECT TO CERTAIN EXCEPTIONS, GROUP MADE FUNCTIONAL ANALYSIS OF PROVISIONS OF CONVENTION TO ASCERTAIN WHICH DISPUTES WOULD BE APPLICABLE TO CDS. IN COURSE DISCUSSIONS, SOVIETS SAID THEY QUOTE COULD NOT ACCEPT THE CONVENTION IF THE ECONOMIC ZONE WAS EXCEPTED FROM CDS UNQUOTE. IN SUBSEQUENT TALKS, HOWEVER, SOVIETS REVEALED IN VERY STRONG

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TOR1280906Z APR 75

TERMS THEY WOULD ACCEPT CDS ONLY FOR FISHERIES AND DEEP
SEABED DISPUTES.

LOS TRIBUNAL CONTINUES TO COME UNDER STRONG ATTACK,
ESPECIALLY FROM JAPAN AND USSR. CHAIR PREFERS, HOWEVER,
TO KEEP OPTIONS OPEN AND TO FORWARD SINGLE TEXT INCLUDING
ANNEX ON LOS TRIBUNAL.

QUESTION OF MILITARY EXCEPTION DISCUSSED WITH
AUSTRALIA, CANADA, FRANCE, NETHERLANDS, AND UK.
MEETING WAS FRANK AND RESULTED IN BETTER APPRECIATION
OF NEED FOR EXCEPTION. DALE

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TOR:261730Z APR 75

R 261449Z APR 75
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TO SECSTATE WASHDC 2424
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UNCLAS GENEVA 2970
FROM USDEL LOS
EO 11652: N/A
TAGS: PLOS

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88

SUBJ: LOS: MEETING OF C-II INFORMAL CONSULTATIVE CONSULTATIVE GROUP
ON THE HIGH SEA, A.M. 22 APRIL 1975

1. GROUP CONTINUED SECOND READING OF C.2/BUE
PAPER NO.9, CONSOLIDATED TEXT ON THE HIGH SEAS
(TEXT POUCHED TO DEPT.). PROVISIONS 139, 140,
141, AND 142 APPROVED SUBSTANTIALLY IN FORM IN
BLUE PAPER.

2. THERE WAS LENGTHY DEBATE ON PROVISION 143,
WITH STRONG MOVE MADE TO REQUIRE THAT ANY VESSEL
FLYING THE FLAG OF AN INTERGOVERNMENTAL ORGAN-
IZATION BE CONCURRENTLY REGISTERED BY A STATE.
AS AS TO ATTACH FLAG-STATE OBLIGATIONS TO
VESSEL AND TO PROVIDE BASIS OF LEGISLATIVE
JURISDICTION OVER VESSEL, PROponents INCLUDED
NETHERLANDS, NEW ZEALAND AND NORWAY, U.S.
INDICATED THAT IN VIEW OF THE COMPLEXITIES OF
THE QUESTION AS EVIDENCED BY THE DEBATE,
ANY CHANGES IN THE PRESENT LANGUAGE, WHICH DOES NOT
PREJUDICE THE QUESTIO IN EITHER DIRECTION, SHOULD
RECIEVE CAREFUL STUDY.

BUREAU HAS TAKEN THE PROVISION UNDER ADVISEMENT
FOR PRIVATE CONSULTATIONS.

3. PROVISION 144 APPROVED. PROVISION 145 WILL
HAVE ITS FOOTNOTE AMENDED TO REFLECT USSR VIEW
THAT ALL STATE-OWNED VESSELS REGARDLESS OF SERVICE
SHOULD HAVE COMPLETE IMMUNITY. PROVISION 147
APPROVED. MEETING RECESSED WITH CONSIDERATION
OF THE ADDITION OF A REQUIREMENT IN PROVISION
148 THAT MASTERS MUST WARN OTHER SHIPS OF
NAVIGATIONAL DANGERS OF WHICH THEY HAVE KNOWLEDGE
IN ACCORDANCE WITH INTERNATIONALLY ACCEPTED
PRACTICE.

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NC 47418

TOR:261730Z APR 75

4. CHAIRMAN (NADAN) INDICATED THAT AFTER SECOND
READING IS COMPLETED THE GROUP SHOULD TAKE UP
THE QUESTION OF THE DEFINITION OF THE HIGH SEAS
(INCLUDING THE NATURE AND CHARACTERISTICS OF
THE ECONOMIC ZONE) AND THE QUESTION OF THE LIVING
RESOURCES OF THE HIGH SEAS, PROVISIONS 136-138
AND 155-163 OF MAIN TRENDS PAPER, A/CONF. 62/C.2/WP.1.
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PAGE 01

NC 47413

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R 261446Z APR 75
FM USMISSION GENEVA
TO RUEHC/SECSTATE WASHDC 2421
INFO RUEHDT/USUN NEW YORK 1617
RUEHIA/USIA WAHSDC 1471

BT

UNCLAS GENEVA 2967
FROM USDEL LOS
USIA FOR IPS AND IBS
EO 116521 NA

TAGS: PLOS

SUBJ: LOS: UNCLASSIFIED WEEKLY SUMMARY FOR D/LOS,
ENDING APRIL 25, 1975

1. SUMMARY: MOST OF TIME THIS WEEK SPENT IN INFORMAL CONSULTATIONS ELABORATING ON PARTICULAR SUBJECTS THAT WILL APPEAR IN SINGLE TEXT BEING PREPARED BY CHAIRMEN OF THREE COMMITTEES. PACE OF WORK HAS SLOWED AS MOST STATES MAINTAINING EXISTING POSITIONS IN ATTEMPT TO INFLUENCE CONTENT OF SINGLE TEXT. END SUMMARY.

2. COMMITTEE I: INFORMAL AND PRIVATE CONSULTATIONS CONTINUED THIS WEEK, MOST INTENSIVELY IN GROUP OF 77, REGARDING BASIC CONDITIONS OF EXPLOITATION AND STRUCTURE OF

INTERNATIONAL SEABED MACHINERY. FORMAL C-I MEETING HELD APRIL 25 TO DISCUSS MACHINERY ISSUES INCLUDED STATEMENT BY SPOKESMAN OF GROUP OF 77 AND OTHER STATEMENTS BY ZAMBIA, CHILE AND GUATEMALA IN SUPPORT OF GRANTING AUTHORITY

PRODUCTION CONTROL POWERS. CHAIRMAN OF GROUP OF 77 SPEAKING ON BEHALF OF GROUP, HOWEVER, MADE QUITE CLEAR THAT GROUP AS A WHOLE HAS NOT ENDORSED PRODUCTION CONTROLS OR ANY SPECIFIC TYPE OF MACHINERY TO GUARD AGAINST ADVERSE ECONOMIC CONSEQUENCES FOR LDC'S.

3. COMMITTEE II: INFORMAL CONSULTATIONS CONTINUED ON CONTINENTAL SHELF, ISLANDS, HIGH SEAS, CLOSED AND SEMI-CLOSED SEAS, ECONOMIC ZONE, AND INNOCENT PASSAGE. FORTY-EIGHT LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES INTRODUCED DRAFT TEXT ON REGIME ON LIVING AND NON-LIVING RESOURCES OF ECONOMIC ZONE. (TEXT SENT D/LOS SEPTEL.) UK MADE STRONG STATEMENT AGAINST LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES HAVING QUOTE EQUAL AND NON-DISCRIMINATORY ACCESS UNQUOTE

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Comm I, II & III

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TO LIVING RESOURCES IN COASTAL STATE ECONOMIC ZONE. JAPAN, IN UNUSUALLY DIRECT MANNER, STATED THAT IT WAS QUOTE ABSOLUTELY NECESSARY UNQUOTE THAT LEGITIMATE INTERESTS OF THIRD STATES BE PROTECTED IN ECONOMIC ZONE. PARTICULAR EMPHASIS WAS LAID ON NEED FOR OPTIMUM YIELD AND FULL UTILIZATION CONCEPTS. JAPAN ALSO FLATLY SUPPORTED 200-MILE OUTER LIMIT FOR CONTINENTAL SHELF. CHINA AND INDIA ENDORSED FREEDOM OF NAVIGATION AND OVERFLIGHT AS WELL AS LAYING OF SUBMARINE CABLES AND PIPELINES IN ECONOMIC ZONE. IN INNOCENT PASSAGE DISCUSSION, SPAIN CONTINUED TO PRESS ITS POSITION THAT NO UNIMPEDED PASSAGE REGIME SHOULD APPLY IN STRAITS USED FOR INTERNATIONAL NAVIGATION, WHERE SUCH STRAITS WERE WITHIN 12-MILE TERRITORIAL SEA. CANADA PUSHED FOR AMENDING TRADITIONAL DEFINITION OF INNOCENT PASSAGE TO PLACE QUOTE ENVIRONMENT UNQUOTE OF COASTAL STATE ON SOME FOOTING AS QUOTE PEACE, GOOD ORDER OR SECURITY UNQUOTE.

4. COMMITTEE III:

AAAA(A) MARINE SCIENTIFIC RESEARCH: FORMAL MEETING OF COMMITTEE III SAW INTRODUCTION BY GROUP OF 77 FU REVISIONS TO L.12, TECHNOLOGY TRANSFER, AND L.13, MARINE SCIENTIFIC RESEARCH. L.12 TEXT REMAINS BASICALLY AS INTRODUCED IN CARACAS, WHILE ONLY MAJOR CHANGE IN L.13 WAS A PROVISION ON LANDLOCKED. L.28 WAS INTRODUCED BY NETHERLANDS ON BEHALF OF THE LANDLOCKED (LL) AND GEOGRAPHICALLY DISADVANTAGED STATES (GDS) WHICH WAS STATED TO INCLUDE 48 COUNTRIES. L.28 AMENDS L.19 AND SETS FORTH ADDITIONAL RIGHTS FOR LL AND GDS AND DISPUTE SETTLEMENT PROCEDURES. INFORMAL MEETING OF COMMITTEE III CONTINUED TO FOCUS ON THE QUESTION OF RESPONSIBILITY AND LIABILITY WITH NO AGREEMENTS REACHED IN INFORMAL MEETING. HOWEVER, INFORMAL NEGOTIATION GROUP HAS AGREED ON TEXT WHICH WILL BE PRESENTED TO INFORMAL MEETING OF COMMITTEE III NEXT WEEK.

(B) POLLUTION: COMMITTEE III WORKING GROUP ON ITEM 12 (MARINE POLLUTION) HELD NO SUBSTANTIVE SESSIONS THIS WEEK. REGULARLY SCHEDULED MEETING APRIL 18 CANCELLED DUE TO PLENARY. AT APRIL 22 AND 24 MEETINGS,

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PAGE 03-03

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CHAIRMAN (VALLARTA) REPORTED THAT INFORMAL CONSULTATIONS CONDUCTED BY HIM HAD LED TO IMPASSE ON DRAFT ARTICLE ON PREVENTION OF POLLUTION FROM SEABED ACTIVITIES WITHIN NATIONAL JURISDICTION, DUE TO DIFFERING VIEWS AS TO ACTIVITIES THAT WOULD IN FACT BE SUBJECT TO COASTAL STATE JURISDICTION. ON BOTH OCCASIONS, MEETINGS ADJOURNED WITHOUT OBJECTION. CHAIRMAN UNDERTOOK TO ATTEMPT TO RESOLVE IMPASSE INFORMALLY AND TO COMPLETE SUGGESTED TEXT ON OCEAN DUMPING FOR PRESENTATION AT NEXT MEETING.

5. DISPUTE SETTLEMENT: GROUP ON COMPULSORY SETTLEMENT OF DISPUTES COMPLETED ANALYSIS OF CHAPTER AND ANNEXES. DISCUSSION FOCUSED ON EXCEPTIONS TO COMPULSORY DISPUTE SETTLEMENT. GROUP IS NOW PREPARING SINGLE TEXT TO BE FORWARDED TO PRESIDENT OF CONFERENCE.

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TO RUEHC/SECSTATE WASHDC 2418
INFO RUEHDT/USUN NEW YORK 1616
BT

UNCLAS GENEVA 2961

FROM LOS DEL

EO 116521 NA

TAGS: PLOS

SUBJ: LOS: LANDLOCKED GEOGRAPHICAL DISADVANTAGED STATE DRAFT
FOLLOWING IS TEXT SUBMITTED ON APRIL 25 TO SECOND
COMMITTEE CHAIRMAN BY 48 LANDLOCKED AND QUOTE GROGRAPHI-
CALLY DISADVANTAGED STATES UNQUOTE. BEGIN TEXT:
REGIME ON THE LIVING AND NON-LIVING RESOURCES OF THE
ECONOMIC ZONE

NOTE: THESE DRAFT ARTICLES DO NOT NECESSARILY REPRESENT
THE FINAL POSITION OF THE MEMBERS OF THE GROUP OF
LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES
ON THE QUESTION OF THE ECONOMIC ZONE AND DO NOT
PREJUDICE THEIR POSITION ON PREVIOUS OR FUTURE
DRAFT PROPOSALS.

ARTICLE I

SUBJECT TO THE PROVISIONS OF THESE ARTICLES COASTAL
STATES SHALL HAVE THE RIGHT TO ESTABLISH, ADJACENT TO
THEIR TERRITORIAL SEA, AN ECONOMIC ZONE WHICH SHALL NOT
EXTEND BEYOND ... NAUTICAL MILES FROM THE BASELINE
FROM WHICH THE BREADTH OF THE TERRITORIAL SEA IS MEASURED,
COASTAL STATES MAY EXERCISE IN THAT ECONOMIC ZONE,
RIGHTS FOR THE PURPOSE OF EXPLORING AND EXPLOITING THE
NATURAL RESOURCES, WHETHER LIVING OR NON-LIVING, OF THE
WATER COLUMN, THE SEABED AND SUBSOIL.

ARTICLE 2

IN EXERCISING THEIR RIGHTS RELATING TO THE ECONOMIC
ZONE, COASTAL STATES SHALL PAY DUE REGARD TO THE RIGHTS
OF OTHER STATES IN THAT ZONE.

ARTICLE 3

ALL STATES, WHETHER COASTAL OR NOT SHALL ENJOY IN
THE ECONOMIC ZONE THE RIGHT OF FREEDOM OF NAVIGATION AND
OVERFLIGHT, THE RIGHT OF LAY SUBMARINE CABLES AND PIPE-
LINES AND OTHER LEGITIMATE USES OF THE SEA RELATED TO

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NAVIGATION AND COMMUNICATION, SUBJECT TO THE PROVISIONS
OF THIS CONVENTION.

ARTICLE 4

LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES
SHALL HAVE THE RIGHT TO PARTICIPATE IN THE EXPLORATION
AND EXPLOITATION OF THE LIVING AND NON-LIVING RESOURCES
OF THE ECONOMIC ZONES OF COASTAL STATES IN ACCORDANCE
WITH THE PROVISIONS OF THESE ARTICLES.

ARTICLE 5

1. LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES
SHALL NOT TRANSFER THEIR RIGHTS UNDER ARTICLE 4 TO THIRD
STATES, EXCEPT WHEN OTHERWISE AGREED UPON BY THE STATES
CONCERNED.

2. THE PROVISIONS OF PARAGRAPH 1 OF THIS ARTICLE SHALL
NOT PRECLUDE LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED
STATES FROM OBTAINING TECHNICAL OR FINANCIAL ASSISTANCE
FROM THIRD STATES, OR FROM INTERNATIONAL ORGANIZATIONS,
FOR THE PURPOSE OF ENABLING THEM TO ENJOY THEIR RIGHTS
IN THE ECONOMIC ZONES.

ARTICLE 6

ACTIVITIES CARRIED OUT PURSUANT TO THESE ARTICLES BY
LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES
WITHIN THE ECONOMIC ZONE OF A COASTAL STATE SHALL BE SUB-
JECT TO THE RELEVANT REGULATIONS OF THE COASTAL STATE
PROVIDED THAT THESE REGULATIONS ARE APPLIED WITHOUT DIS-
CRIMINATION AND ARE CONSISTENT WITH THE PROVISIONS OF
THESE ARTICLES AND THE AGREEMENTS TO BE CONCLUDED UNDER
THEM.

ARTICLE 7

1. EQUITABLE ARRANGEMENTS FOR THE PURPOSE OF THE EXERCISE
OF THE RIGHT REFERRED TO IN ARTICLE 4 SHALL BE WORKED OUT
BETWEEN A LAND-LOCKED, OR GEOGRAPHICALLY DISADVANTAGED
STATE AND THE NEIGHBOURING COASTAL STATE OR STATES.

2. NEIGHBOURING COASTAL STATE SHALL MEAN A STATE WHICH
IS ADJACENT TO OR SITUATED IN THE OPEN BRACKETS CLOSE
CLOSE BRACKETS VICINTIY OF THE LAND-LOCKED OR GEOGRAPHI-
CALLY DISADVANTAGED STATE CONCERNED.

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IF A NEIGHBOURING COASTAL STATE IS GEOGRAPHICALLY
DISADVANTAGED THE ARRANGEMENTS REFERRED TO IN ARTICLE 7
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SHALL BE WORKED OUT WITH ONE OR MORE OF THE NEXT ADJACENT OR OTHER COASTAL STATES OF THE REGION TAKING INTO ACCOUNT THAT THE RIGHTS OF PARTICIPATION IN THE ECONOMIC ZONES SHALL BE EQUITABLY DISTRIBUTED.

ARTICLE 9

1. THE TERM QUOTE REGION UNQUOTE AS USED IN THESE ARTICLES SHALL MEAN THE GEOGRAPHICAL AREAS COVERED BY THE REGIONAL ECONOMIC COMMISSIONS OF THE UNITED NATIONS.

2. THE EXERCISE OF THIS RIGHT SHALL BE SUBJECT TO THE PRINCIPLE THAT DEVELOPED LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES SHALL ONLY PARTICIPATED IN THE ECONOMIC ZONES OF DEVELOPED COASTAL STATES.

ARTICLE 10

1. COASTAL STATES, LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES WITHIN A SUB-REGION SHALL, AT THE REQUEST OF ANY OF THEM, ENTER INTO NEGOTIATIONS WITH A VIEW TO CONCLUDING ARRANGEMENTS FOR THE ESTABLISHMENT OF SUB-REGIONAL ECONOMIC ZONES ON A BASIS OF EQUALITY.

2. THE TERM QUOTE "REGIONAL UNQUOTE OR QUOTE SUB-REGIONAL UNQUOTE ECONOMIC ZONES MEANS ECONOMIC ZONES CREATED BY A GROUP OF THREE OR MORE NEIGHBOURING STATES WHETHER OR NOT THEY ARE PARTIES TO AGREEMENTS OF ECONOMIC INTEGRATION FOR THE PURPOSE OF JOINT EXPLORATION AND EXPLOITATION OF SUCH ZONES.

ARTICLE 11

IN EXERCISING THEIR RIGHT UNDER ARTICLE 4 RELATING TO LIVING RESOURCES LAND-LOCKED STATES SHALL BE ENTITLED TO EXPLORE AND EXPLOIT THE LIVING RESOURCES OF THE ECONOMIC ZONES OF THE COASTAL STATES CONCERNED ON AN EQUAL AND NON-DISCRIMINATORY BASIS, AND GEOGRAPHICALLY DISADVANTAGED STATES ON AN EQUITABLE BASIS, WITH SUCH COASTAL STATES.

ARTICLE 12

1. THE RIGHT REFERRED TO IN ARTICLE 4 RELATING TO THE EXPLORATION AND EXPLOITATION OF NON-LIVING RESOURCES OF THE ECONOMIC ZONES OF THE COASTAL STATES CONCERNED SHALL BE IMPLEMENTED BY THE ESTABLISHMENT OF JOINT VENTURES OR BY ANY OTHER FORM OF PARTICIPATION ON AN EQUITABLE AND ECONOMICALLY MEANINGFUL BASIS.

2. THE PARTICIPATION REFERRED TO IN PARAGRAPH 1 OF

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THIS ARTICLE SHALL BE DEEMED TO BE EQUITABLE AND ECONOMICALLY MEANINGFUL IF THE LAND-LOCKED OR GEOGRAPHICALLY DISADVANTAGED STATE CAN OBTAIN AT LEAST PER CENT OF THE TOTAL OF THE NON-LIVING RESOURCES EXTRACTED ANNUALLY IN THE ECONOMIC ZONE OF THE COASTAL STATES CONCERNED. END TEXT.
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C O N F I D E N T I A L GENEVA 2960

FROM USDEL LOS
EO 11652: GDS

TAGS: PLOS:PE

SUBJ: LOS: PERUVIAN POSITION ON ECONOMIC ZONE
REF: A. LIMA 3260, B. GENEVA 2702

1. EMBASSY'S PERCEPTION OF SIGNIFICANT SHIFT IN GOP
POSITION ON ECONOMIC ZONE EASY TO UNDERSTAND FROM
EXCERPTS OF OUR REPORTING CITED REFTEL A. HOWEVER,
FULL PANOPLY OF PERU DEL ACTIVITIES IN THIS SESSION
SUGGESTS MAJOR MODIFICATION IN PERUVIAN POSITION IS
SWITCH FROM HARD-LINE SUBSTANTIVE CONFRONTATION TO MORE
SOPHISTICATED PROCEDURAL DELAYING TACTICS.

2. EXAMPLE OF TIS IN COMMITTEE II HAS BEEN INTER-
JECTIONS BY ARIAS SCHREIBER ON CARACAS MAIN TRENDS
PAPER (UP-I) TO POINT OUT DRAFTING DEFICIENCIES IN
SOME ALTERNATIVE TEXTS WHICH FAIL TO TAKE ACCOUNT OF
POSSIBILITY OF ECONOMIC ZONE BETWEEN TERRITORIAL SEA
AND HIGH SEAS. ON SURFACE, THIS WOULD APPEAR TO BE
ACCEPTING INEVITABILITY OF 200-MILE ZONE AND REJECTION
OF 200-MILE TERRITORIAL SEA. HOWEVER, IN CONTEXT OF
CONSISTENT ATTEMPTS BY PERU DEL, TOGETHER WITH SPAIN,
TO REVIVE OLD CONTENTIOUS ISSUES WHICH WERE DELIBERATELY
ELIMINATED FROM WP-I, SUCH TACTICS SUGGEST DIFFERENT
UNDERLYING MOTIVES. ADDITIONALLY, PERU DEL HAS TAKEN
VERY HARD LINE IN PUSHING FOR SUCH EXTENSIVE COASTAL
STATE CONTROLS THAT ECONOMIC ZONE WOULD NOT BE FUN-
CTIONALLY VERY DIFFERNT FROM TERRITORIAL SEA.

3. EMBASSY NOW AWARE OF RELATED PROBLEM DESCRIBED
REFTEL B (NOTAL).

4. POSSIBILITY EXISTS ACTIVITIES REFERRED TO ABOVE
REFLECT MORE PERSONALITIES OF ARIAS-SCHRIEBER AND DESOTO.
HEAD OF DELEGATION, AMB BAKULA, DOES NOT DISPLAY SAME
TENDENCIES, BUT HE IS NOT NORMALLY IN CHAIR FOR PERU.
SOME EVIDENCE EXISTS TO SUGGEST THIS IS A CHANGE IN

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TACTICS DOES INDICATE CHANGE IN GOP POLICY; B. WE
HEARD REPORT DESOTO HAD BEEN TOLD BY BAKULA TO STOP
BEING SO OBSTREPEROUS IN C-I; C. INFORMAL DISCUSSIONS
WITH ECUADOR REP SUGGESTS THEY BELIEVE GOP HAS ALTERED
PREVIOUS COURSE.

5. WE HOPE ABOVE INFORMATION PROVIDES USEFUL INFO FOR
ANY ASSISTANCE YOU MAY BE ABLE TO PROVIDE DURING
LAST TWO WEEKS OF SESSION WHICH WILL BE CRITICAL FOR
SETTING TONE FOR INTER-SESSIONAL WORK.
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UNCLAS GENEVA 2954

EO 11652: NA

TAGS: PLOS

SUBJ: LOSS: SINGLE TEXT STRAITS ARTICLES

REF: GENEVA 2757

1, SINGLE TEXT STRAITS ARTICLES TRANSMITTED REFTEL,
OMITTED PARAS 3 THRU 6 OF ARTICLE 4. TEXT OF MISSING
PARAGRAPHS FOLLOWS:

"3. THE STRAITS STATE SHALL GIVE DUE PUBLICITY TO
ALL SUCH LAWS AND REGULATIONS.

"4. FOREIGN SHIPS EXERCISING THE RIGHT OF TRANSIT
PASSAGE SHALL COMPLY WITH SUCH LAWS AND REGULATIONS
OF THE STRAITS STATE.

"5. IF A SHIP OR AIRCRAFT ENTITLED TO SOVEREIGN
IMMUNITY ACTS IN A MANNER CONTRARY TO THE PROVISIONS
OF THIS CHAPTER OF LAWS AND REGULATIONS ADOPTED IN
ACCORDANCE WITH PARAGRAPH 1 OF THIS ARTICLE AND LOSS
OR DAMAGE RESULTS TO A STRAITS STATE OR OTHER STATE
IN THE NVCMCTY OF THE STRAIT, THE FLAG STATE SHALL BE
RESPONSIBLE FOR THAT LOSS OR DAMAGE.

"6. IF A STRAITS STATE ACTS IN A MANNER CONTRARY
TO THE PROVISIONS OF THIS CHAPTER AND LOSS OR DAMAGE
TO A FOREIGN SHIP OR AIRCRAFT RESULTS, THE STRAITS
STATE SHALL COMPENSATE THE OWNERS OF THE VESSEL OR
AIRCRAFT FOR THAT LOSS OR DAMAGE."

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~~SECRET~~ GENEVA 2905

EXDIS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: OMANI POSITION ON STRAITS
REF: MUSCAT 486

1. USG HAS NOT TABLED OR PUBLICLY ENDORSED ANY NEW DRAFT ARTICLES THIS SESSION ON STRAITS. HOWEVER, PRIVATE NEGOTIATING GROUP, LED BY UK AND FIJI, AND INCLUDING MANY MODERATE DEVELOPING COUNTRIES, INCLUDING BAHRAIN, UAE, LEBANON, AND KENYA, HAS DEVELOPED CONSOLIDATED SINGLE TEXT ON STRAITS WHICH WE EXPECT WILL BE INCORPORATED VIRTUALLY INTACT INTO THE CHAIRMAN'S SINGLE NEGOTIATING TEXT OF DRAFT LOS TREATY EXPECTED TO RESULT FROM GENEVA SESSION.

2. US HAS SERIOUS OBJECTIONS TO CERTAIN PORTIONS OF UK-FIJI TEXT, BUT IN RELATION TO CONCERNS CITED REFTTEL, HAS PRIVATELY INDICATED THAT FOLLOWING ARTICLE WOULD BE ACCEPTABLE TO USG. BEGIN QUOTE FROM UK-FIJI TEXT:

ARTICLE 2

1. SHIPS AND AIRCRAFT, WHILE EXERCISING THE RIGHT OF TRANSIT PASSAGE SHALL:
- (A) PROCEED WITHOUT DELAY THROUGH THE STRAIT;
 - (B) REFRAIN FROM ANY ACTIVITIES OTHER THAN THOSE INCIDENT TO THEIR NORMAL MODES OF CONTINUOUS AND EXPEDITIOUS TRANSIT UNLESS RENDERED NECESSARY BY FORCE MAJEURE OR BY DISTRESS;
 - (C) REFRAIN FROM ANY THREAT OR USE OF FORCE IN VIOLATION OF THE CHARTER OF THE UNITED NATIONS AGAINST THE TERRITORIAL INTEGRITY OR POLITICAL INDEPENDENCE OF AN ADJACENT STRAITS STATE;
 - (D) COMPLY WITH OTHER RELEVANT PROVISIONS OF THIS CHAPTER.
2. SHIPS IN TRANSIT SHALL:

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(A) COMPLY WITH GENERALLY ACCEPTED INTERNATIONAL REGULATIONS, PROCEDURES AND PRACTICES FOR SAFETY AT SEA, INCLUDING THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA;

(B) COMPLY WITH GENERALLY ACCEPTED INTERNATIONAL REGULATIONS, PROCEDURES AND PRACTICES FOR THE PREVENTION AND CONTROL OF POLLUTION FROM SHIPS.

3. AIRCRAFT IN TRANSIT SHALL:

(A) OBSERVE RULES OF THE AIR ESTABLISHED BY THE INTERNATIONAL CIVIL AVIATION ORGANIZATION UNDER THE CHICAGO CONVENTION AS THEY APPLY TO CIVIL AIRCRAFT; STATE AIRCRAFT WILL NORMALLY COMPLY WITH SUCH SAFETY MEASURES AND WILL AT ALL TIMES OPERATE WITH DUE REGARD FOR THE SAFETY OF NAVIGATION;

(B) AT ALL TIMES MONITOR THE RADIO FREQUENCY ASSIGNED BY THE APPROPRIATE INTERNATIONALLY DESIGNATED AIR TRAFFIC CONTROL AUTHORITY OR THE APPROPRIATE INTERNATIONAL DISTRESS RADIO FREQUENCY. END QUOTE.

3. YOU SHOULD BE CAREFUL NOT TO IMPLY USG ACCEPTANCE OR ENDORSEMENT OF UK-FIJI STRAITS PACKAGE. YOU MAY, HOWEVER, INDICATE THAT USG INTENT HAS ALWAYS BEEN TO SECURE A RIGHT OF TRANSIT, I.E., TO GO FROM ONE SIDE OF THE STRAIT TO THE OTHER IN THE NORMAL MODE FOR THE PARTICULAR VESSEL OR AIRCRAFT, THAT THERE NEVER WAS ANY INTENT ON OUR PART TO SECURE A RIGHT TO CONDUCT WAR EXERCISES OR SIMILAR ACTIVITIES IN STRAITS, AND THAT, IN OUR VIEW, THE UK-FIJI ARTICLE, QUOTED ABOVE, LIMITS THE RIGHT OF TRANSIT IN AN APPROPRIATE AND EFFECTIVE MANNER.

4. FYI - IT IS LIKELY THAT CHAIRMAN'S DRAFT ON INNOCENT PASSAGE WILL INCORPORATE A MORE DETAILED LIST OF PROHIBITED ACTIVITIES APPLICABLE TO TERRITORIAL SEAS GENERALLY. WE ARE OPPOSED ANY TRANSPOSITION THIS MORE DETAILED LIST TO THE STRAITS CHAPTER. END FYI.

5. USG IS WILLING TO ACCEPT STRICT LIABILITY TO STRAITS STATE FOR POLLUTION DAMAGE CAUSED TO IT THROUGH VIOLATION OF TREATY REGULATIONS GOVERNING UNIMPEDED PASSAGE BY SOVEREIGN IMMUNE VESSELS. USG IS, IN GENERAL, MORE WILLING TO BE FORTHCOMING ON THIS ISSUE THAN OTHER

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PAGE 03-03

NC 45792

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MARITIME STATES. IT IS TOO EARLY TO PREDICT SHAPE OF
FINAL TEXT ON POLLUTION LIABILITY, BUT IF THIS IS MAJOR
OMANI CONCERN, THE MOST EFFECTIVE WAY TO INFLUENCE THE
OUTCOME WOULD BE FOR THEM TO MODERATE THEIR EXTREME
POSITION SUFFICIENTLY TO ALLOW THEM TO PARTICIPATE IN
MEANINGFUL NEGOTIATIONS ON STRAITS ISSUE. FYI -
STRAITS ISSUE MAY COME UP FOR DISCUSSION IN INFORMAL
CONSULTATIVE GROUP OF COMMITTEE II ON 28 APRIL.
IF OMAN WISHED TO SIGNAL ITS WILLINGNESS TO NEGOTIATE
ON REALISTIC BASIS, THIS WOULD BE EXCELLENT
REPEAT EXCELLENT OPPORTUNITY TO REFRAIN FROM JOINING
THE EXTREMIST CHORUS, WHICH WE NOW EXPECT WILL BE LED
BY SPAIN, PRC, AND OMAN. END FYI, DALE

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TOR:240324Z APR 75

R 231920Z APR 75
FM USMISSION GENEVA
TO RUEHC/SECSTATE WASHDC 2339
INFO RUQMNS/AMEMBASSY SANAA 15
BT

SECRET GENEVA 2871

FROM USDEL LOS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: US - UAR DISCUSSIONS

1. SUMMARY: US REPS MET WITH YEMEN REP ON STRAITS ISSUE. YEMEN EMPHASIS ON INNOCENT PASSAGE EXPLAINED AS MEANS OF SOLVING SECURITY CONCERNS. YEMEN SHOWD SLIGHT DEGREE OF GIVE ON ISSUE WHEN PRESSED BUT FINAL POSITION WAS INNOCENT PASSAGE FOR BOTH MILITARY AND COMMERCIAL VESSELS. END SUMMARY.
2. AMBASSADOR JOHN NORTON MOORE, DEPUTY SEPCIAL REPRESENTATIVE OF THE PRESIDENT, AND REAR ADMIRAL MAX K. MORRIS, JCS REP FOR LAW OF THE SEA, MET WITH AMBASSADOR ADNAN TARCICI, ACTING HEAD OF YEMEN DELEGATION FOR ONE HOUR TO DISCUSS STRAITS AND NAVIGATION ISSUES. TARCICI GAVE YEMEN'S POSITION CAREFULLY AND AT LENGTH, EMPHASIZING THE LONG-TIME SECURITY CONCERNS WHICH LED TO SUPPORT FOR INNOCENT PASSAGE RATHER THAN UNIMPEDED TRANSIT. HE INDICATED THAT QUOTE OUR FRIENDS SUCH AS THE USA UNQUOTE COULD ALWAYS PASS FREELY BUT THAT YEMEN DESIRED THE LEGAL RIGHT TO DECIDE ON INNOCENCE.
3. MOORE RESPONDED WITH COMPLETE EXPLANATION OF MARITIME POSITION, POINTING OUT FLAWS IN SECURITY ARGUMENTS GIVEN, AND EMPHASIZING WILLINGNESS OF US AND OTHERS TO MEET LEGITIMATE CONCERNS OF STRAITS STATES. TARCICI REPLIED THAT HE APPRECIATED US PRESENTATION AND THAT EXPRESSED DESIRES TO MEET HIS CONCERNS OF INTEREST. HE THEN REPEATED ASSURANCES OF FREINDSHIP WITH US. HE STATED AT END THAT HE DID NOT EXPECT MR. AL-HUBAISHI TO RETURN FROM SANAA PRIOR TO END OF CONFERENCE.
4. IT WAS CLEAR FROM INTERVIEW THAT CONTROL OF BAB-EL-MANDEB TRAFFIC IS ACTUAL DESIRE OF YEMEN, LARGELY RELATING TO ARAB-ISRAELI CONFLICT. THIS WOULD BE

Geneva
Committee II
Straits
Yemen

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NC 44402

TOR:240324Z APR 75

CONSISTENT WITH COLLATERAL INFORMATION RECEIVED FROM FRENCH DELEGATION REGARDING STRENGTHENING OF PERIM ISLAND BY ARAB LEAGUE DECISION. NONETHELESS, AMBASSADOR TARCICI GAVE SUBTLE SIGNS THAT IF SECURITY BOLSTERED BY OTHER MEANS, UNIMPEDED TRANSIT (AS A THEORY) WOULD BE MORE ATTRACTIVE. AT CLOSE OF INTERVIEW, TARCICI SAID HE WOULD SEND AMBASSADOR MOORE'S AND RADM MORRIS' COMMENTS TO SANAA FOR CONSIDERATION.

5. SUBJECT TO DEPT CONCURRENCES, STRONGLY RECOMMEND DEMARCHE TO YEMENI GOVT AT HIGHEST LEVEL REGARDING VITAL POSITION OF UNIMPEDED TRANSIT IN US LAW OF SEA POSITION. EMPHASIS SHOULD BE ON SUBSTANCE AS GIVEN IN LOS AIRGRAMS. IT SHOULD ALSO BE MADE CLEAR THAT US DOES NOT ATTACH IMPORTANCE TO USE OF TERMS FREE OR UNIMPEDED TRANSIT BUT MUST HAVE FUNCTIONAL RIGHTS OF INIMPEDED PASSAGE (INCLUDING OVERFLIGHT, SUBMERGED TRANSIT AND NO NOTIFICATION OR SEPARATION BETWEEN CATEGORIES OF SHIPS.) WITHOUT SUCH, US CANNOT ACCEPT TREAT AND HAS SO STATED FOR SOME YEARS.

6. US DEL WILL CONTINUE TO KEEP IN TOUCH WITH YEMEN DEL BUT BELIEVE REAL DECISIONS ARE MADE IN CAPITOL.

7. FOR ESKIN D/LOS. PLEASE SEEK DEPT CONCURRENCE ASAP, DALE

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TOR1231959Z APR 75

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R 231242Z APR 75
FM USMISSION GENEVA
TO RUEHC/SECSTATE WASHDC 2317
RUQMKU/AMEMBASSY KUWAIT 75
BT
CONFIDENTIAL GENEVA 2846

FROM USDEL LOS
E.O. 11652: GDS

TAGSI PLOS

SUBJECT: LOSI US - KUWAIT MEETING

1. SUMMARY: US DELS MET WITH KUWAITI DELS TO DISCUSS WIDE RANGE OF LAW OF SEA MATTERS. KUWAITIS EXPRESSED SUPPORT FOR UNIMPEDED TRANSIT BUT INDICATE THEY EXPECTED MARITIME SUPPORT FOR A NON-EXCLUSIVE ECONOMIC ZONE. FURTHER TALK ELICITED INFORMATION ON LAND-LOCKED/ZONE-LOCKED VIEWS ON NATURE OF ZONE AND ON SEABED REGIME. AT CLOSE OF MEETING IT WAS AGREED TO CONTINUE CONSULTATIONS. END SUMMARY.
2. AMBASSADOR JOHN NORTON MOORE, DEPUTY SPECIALX REPRESENTATIVE OF THE PRESIDENT FOR LAW OF THE SEA, AND READ ADMIRAL MAX K. MORRIS, USN, JCS REP FOR LAW OF THE SEA, MET WITH NASSER AL-SABAH, VICE CHAIRMAN OF THE KUWAIT DELEGATION AND MISS BADRIYA AL-AWADY, ASSISTANT, FOR ABOUT ONE HOUR. DISCUSSIONS WERE FRANK, WITH EMPHASIS ON NAVIGATION AND ECONOMIC ZONE ISSUES.
3. AL-SABAH STATED THAT KUWAIT HAD NO DIFFICULTY WITH THE US POSITION ON STRAITS, INCLUDING OVERFLIGHT AND SUBMERGED TRANSIT. HE STATED THAT FOR KUWAIT, IT WAS MANDATORY THAT ANY ECONOMIC ZONE NOT BE EXCLUSIVE, THIS DUE TO THEIR GROWING DISTANT WATER FISHING INTERESTS. AMBASSADOR MOORE ASSURED AL-SABAH THAT THE US AGREED ON THIS IN THAT WE SOUGHT A SYSTEM OF PREFERENTIAL RIGHTS WITH TRADITIONAL FISHERMEN HAVING PRIORITY ON UNUTILIZED STOCKS UP TO ALLOWABLE CATCH BUT THAT BASED ON EVENSEN GROUP NEGOTIATION ACCEPTANCE OF FULL UTILIZATION PRINCIPLE MIGHT BE THE BEST WE COULD DO.
4. MISS AL-AWADY INDICATED CONSIDERABLE LACK OF AWARENESS DURING FIRST PORTION OF MEETING, POSSIBLY REFLECTING HER RECENT ARRIVAL FROM UNIVERSITY STUDIES. SHE EVINced SOME DISMAY OVER THE IDEA OF UNIMPEDED TRANSIT THROUGH

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STRAITS OVERLAPPED BY TERRITORIAL SEAS; I.E.,
 LESS THAN 24 MILES WIDE BUT WAS QUIETED SEVERAL TIMES
 BY AL-SABAH WHO EVENTUALLY STATED WITH A SMILE THAT
 MISS AL-AWADY WAS NOT AU COURANT WITH KUWAIT POSITION.
 5. IN FINAL PORTION OF DISCUSSION, AL-SABAH STRONGLY
 URGED THAT EGYPT BE CONSULTED CLOSELY ON ENTIRE SPAN
 OF NAVIGATION ISSUES. HE INDICATED THAT YEMENI ACTIONS
 LARGELY RESULTED FROM EGYPTIAN ATTITUDES, AND THAT
 SINCE IRAQ AND OTHER GULF ARABS WERE IN FAVOR OF UNIMPEDED
 TRANSIT, EGYPT WAS THE KEY. AMBASSADOR MOORE THANKED
 AL-SABAH, SUGGESTED PERIODIC CONSULTATIONS WOULD BE OF
 VALUE TO BOTH DELEGATIONS, AND ASKED THAT KUWAIT CONTINUE
 TO ADVOCATE UNIMPEDED TRANSIT WITHIN ITS GROUP. DALE

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PAGE 01

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R 231044Z APR 75

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TO RUEHC/SECSTATE WASHDC 2310

INFO RUEHDT/USUN NEW YORK 1602

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UNCLAS SECTION 1 OF 4 GENEVA 2839

FROM USDEL LOS

E.O. 11652: NA

TAGS: PLOS

SUBJ: LOSIECONOMIC ZONE

FOLLOWING IS THE SIXTH REVISION (16 APRIL 1975) TEXT ON
THE ECONOMIC ZONE PREPARED BY THE CHAIRMAN OF THE
JURIDICAL EXPERTS (EVENSEN GROUP) PURSUANT TO DISCUSSIONS
IN THE GROUP TO DATE, REQUEST DEPARTMENT REPEAT BY CABLE
TO MAJOR INTERESTED POSTS AND BY POUCH TO OTHERS,
BEGIN TEXT: THE ECONOMIC ZONE

GENERAL PROVISIONS

ARTICLE 1

1. THE COASTAL STATE HAS IN AN AREA BEYOND AND ADJACENT
TO ITS TERRITORIAL SEA, KNOWN AS THE EXCLUSIVE ECONOMIC
ZONE:

(A) SOVEREIGN RIGHTS FOR THE PURPOSE OF EXPLORING
AND EXPLOITING, CONSERVING AND MANAGING THE NATURAL
RESOURCES, WHETHER RENEWABLE OR NON-RENEWABLE, OF THE
SEABED AND SUBSOIL AND THE SUPERJACENT WATERS;

(B) JURISDICTION WITH REGARD TO OTHER ACTIVITIES
FOR THE ECONOMIC EXPLORATION AND EXPLOITATION OF THE
ZONE, SUCH AS THE PRODUCTION OF ENERGY FROM THE WATER,
CURRENTS AND WINDS.

(C) JURISDICTION AS PROVIDED FOR IN THIS CONVENTION
WITH REGARD TO:

(I) THE PRESERVATION OF THE MARINE ENVIRONMENT,
(II) SCIENTIFIC RESEARCH,
(III) THE ESTABLISHMENT AND USE OF ARTIFICIAL
ISLANDS, INSTALLATIONS AND SIMILAR STRUCTURES,
INCLUDING CUSTOMS, FISCAL, HEALTH AND IMMIGRATION
REGULATIONS PERTAINING THERETO, &

(D) OTHER RIGHTS AND DUTIES PROVIDED FOR IN THIS
CONVENTION.

2. IN EXERCISING ITS RIGHTS AND PERFORMING ITS DUTIES

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UNDER THIS CONVENTION IN THE ECONOMIC ZONE, THE COASTAL STATE SHALL HAVE DUE REGARD TO THE RIGHTS AND DUTIES OF OTHER STATES AND SHALL ACT IN A MANNER COMPATIBLE WITH THE PROVISIONS OF THIS CONVENTION.

3. THE RIGHTS SET OUT IN THIS ARTICLE SHALL BE WITHOUT PREJUDICE TO THE PROVISIONS OF ARTICLES...OF & THE ISSUE OF CONTIGUOUS ZONES FOR THE PURPOSE OF CUSTOMS, FISCAL, HEALTH AND IMMIGRATION REGULATIONS WOULD BE DEALT WITH ELSEWHERE, THIS CONVENTION TWO ASTERISKS

ARTICLE 2

THE ECONOMIC ZONE SHALL NOT EXTEND BEYOND 200 NAUTICAL MILES FROM THE BASELINE FROM WHICH THE BREADTH OF THE TERRITORIAL SEA IS MEASURED.

ARTICLE 3

1, ALL STATES, WHETHER COASTAL OR LAND-LOCKED, SHALL, SUBJECT TO THE RELEVANT PROVISIONS OF THIS CONVENTION, ENJOY IN THE ECONOMIC ZONE THE FREEDOMS OF NAVIGATION AND OVERFLIGHT AND OF THE LAYING OF SUBMARINE CABLES AND PIPELINES AND OTHER INTERNATIONALLY LAWFUL USES OF THE SEA RELATED TO NAVIGATION AND COMMUNICATION AND SHALL HAVE OTHER RIGHTS AND DUTIES PROVIDED FOR IN THIS CONVENTION, ONE ASTERISK

2, IN CASES WHERE THE CONVENTION DOES NOT ATTRIBUTE RIGHTS OR JURISDICTION TO THE COASTAL STATE OR TO OTHER STATES WITHIN THE ECONOMIC ZONE, AND A CONFLICT ARISES BETWEEN THE INTERESTS OF THE COASTAL STATE AND ANY OTHER STATE OR STATES, THE CONFLICT SHOULD BE RESOLVED ON THE BASIS OF EQUITY AND IN THE LIGHT OF ALL THE RELEVANT CIRCUMSTANCES, TAKING INTO ACCOUNT THE RESPECTIVE IMPORTANCE OF THE INTERESTS INVOLVED TO THE PARTIES AS TWO ASTERISKS THE BASIC ARTICLES CONCERNING THE CONTINENTAL SHELF. ONE ASTERISK THE QUESTION OF RIGHTS AND DUTIES OF TOEHR STATES WITH RESPECT TO SCIENTIFIC RESEARCH, LAYING AND MAINTENANCE OF SUBMARINE CABLES AND PIPELINES AND PRESERVATION OF THE MARINE ENVIRONMENT WILL BE DEALT WITH IN SUBSEQUENT CHAPTERS. TO THE INTERNATIONAL COMMUNITY AS A WHOLE,

3, IN EXERCISING THEIR RIGHTS AND PERFORMING THEIR DUTIES UNDER THIS CONVENTION IN THE ECONOMIC ZONE, STATES SHALL HAVE DUE REGARD TO THE RIGHTS AND DUTIES

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OF THE COASTAL STATE AND SHALL ACT IN A MANNER COM-
PATIBLE WITH THE PROVISIONS OF THIS CONVENTION.

ARTICLE 4

1, THE COASTAL STATE SHALL HAVE THE EXCLUSIVE RIGHT
TO CONSTRUCT AND TO AUTHORIZE AND REGULATE IN THE ECONMIC
ZONE THE CONSTRUCTION, OPERATION AND USE OF:

(A) ARTIFICIAL ISLANDS;

(B) INSTALLATIONS AND STRUCTURES USED FOR PURPOSES
SUBJECT TO ITS JURISDICTION UNDER ART. 1;

(C) INSTALLATIONS AND STRUCTURES USED FOR ANY
ECONOMIC PURPOSE;

(D) INTALLATIONS AND STRUCTURES WHICH MAY INTER-
FERE WITH THE EXERCISE OF THE RIGHTS OF THE COASTAL
STATE IN THE ECONOMIC ZONE.

2, THE COASTAL STATE SHALL HAVE EXCLUSIVE JURISDICTION
OVER SUCH ARTIFICIAL ISLANDS, INSTALLATIONS AND STRUC-
TURES TURES INCLUDING JURISDICTION WITH REGARD TO CUSTOMS,
FISCAL, HEALTH, SAFETY AND IMMIGRATION REGULATIONS.

3, DUE NOTICE MUST BE GIVEN OF THE CONSTRUCTION
OF SUCH ARTIFICIAL ISLANDS, INSTALLATIONS OR STRUCTURES,
AND PERMANENT MEANS FOR GIVING WARNING OF THEIR PRESENCE
MUST BE MAINTAINED. ANY INSTALLATIONS OR STRUCTURES
WHICH ARE ABANDONED OR DISUSED MUST BE ENTIRELY
REMOVED.

4, THE COASTAL STATE MAY, WHERE NECESSARY, ESTABLISH
REASONABLE SAFETY ZONES AROUND SUCH ARTIFICIAL ISLANDS,
INSTALLATIONS AND STRUCTURES IN WHICH IT MAY TAKE
APPROPRIATE MEASURES TO ENSURE THE SAFETY BOTH OF THE
ARTIFICIAL ISLANDS, INSTALLATIONS AND STRUCTURES AND
OF NAVIGATION.

THE BREADTH OF THE SAFETY ZONES SHALL BE DETERMINED
BY THE COASTAL STATE, TAKING INTO ACCOUNT APPLICABLE
INTERNATIONAL STANDARDS, SUCH ZONES SHALL BE DESIGNED
TO ENSURE THAT THEY ARE REASONABLE RELATED TO THE NATURE
AND FUNCTION OF THE ARTIFICIAL ISLANDS, INSTALLATIONS
OR STRUCTURES, AND SHALL NOT EXCEED A DISTANCE OF...
METERS AROUND THEM MEASURED FROM EACH POINT OF THEIR
OUTER EDGE, EXCEPT AS AUTHORIZED BY GENERALLY ACCEPTED
INTERNATIONAL STANDARDS OR AS RECOMMENDED BY THE APPRO-
PRIATE INTERNATIONAL ORGANIZATIONS.

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SHIPS OF ALL NATIONALITIES MUST RESPECT THESE SAFETY ZONES AND SHALL COMPLY WITH GENERALLY ACCEPTED INTERNATIONAL STANDARDS REGARDING NAVIGATION IN THE VICINITY OF ARTIFICIAL ISLANDS, INSTALLATION, STRUCTURES, AND SAFETY ZONES. DUE NOTICE SHALL BE GIVEN OF THE EXTENT OF SAFETY ZONES.

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UNCLAS SECTION 2 OF 4 GENEVA 2839

5, ARTIFICIAL ISLANDS, INSTALLATIONS AND STRUCTURES
AND SAFETY ZONES AROUND THEM MAY NOT BE ESTABLISHED
WHERE INTERFERENCE MAY BE CAUSED TO THE USE OF RECOG-
NIZED SEA LANES ESSENTIAL TO INTERNATIONAL NAVIGATION.

6, ARTIFICIAL ISLANDS, INSTALLATIONS AND STRUCTURES
SHALL HAVE NO TERRITORIAL SEA OF THEIR OWN AND THEIR
PRESENCE DOES NOT AFFECT THE DELIMITATION OF THE
TERRITORIAL SEA, OR OF OTHER ZONES OF COASTAL STATE
JURISDICTION OR OF THE CONTINENTAL SHELF,

LIVING RESOURCES

ARTICLE 5

1, (8, THE EXERCISE OF ITS SOVEREIGN RIGHTS OVER THE
LIVING RESOURCES IN THE ECONOMIC ZONE THE COASTAL
STATE SHALL ENSURE BY PROPER MANAGEMENT AND CONSERVA-
TION MEASURES THAT THE MAINTENANCE OF THESE RESOURCES
IS NOT ENDANGERED BY OVER-EXPLOITATION. IT SHALL CO-
OPERATE AS APPROPRIATE WITH REGIONAL AND GLOBAL
ORGANIZATIONS TO THIS END, STATES PARTICIPATING IN SUCH
ORGANIZATIONS SHALL ENSURE TO THE EXTENT POSSIBLE THAT
THE ORGANIZATION CONCERNED EXTENDS ITS CO-OPERATION TO
THE COASTAL STATE IN MANAGEMENT AND CONSERVATION MATTERS.

2, IN THE EXERCISE OF ITS RIGHTS TO DETERMINE THE
ALLOWABLE CATCH AND ESTABLISH OTHER CONSERVATION MEASURES FOR THE
LIVING RESOURCES OF THE ZONE, THE COASTAL
STATE SHALL:

(A) ADOPT MEASURES WHICH ARE DESIGNED, ON THE
BEST EVIDENCE AVAILABLE TO THE COASTAL STATE, TO MAINTAIN
OR RESTORE POPULATIONS OF HARVESTED SPECIES AT
LEVELS WHICH CAN PRODUCE THE MAXIMUM SUSTAINABLE YIELD,
AS QUALIFIED BY RELEVANT ENVIRONMENTAL AND ECONOMIC
FACTORS, INCLUDING THE ECONOMIC NEEDS OF COASTAL
FISHING COMMUNITIES AND THE SPECIAL REQUIREMENTS OF
DEVELOPING COUNTRIES, AND TAKING INTO
ACCOUNT FISHING PATTERNS, THE INTERDEPENDENCE OF

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STOCKS AS WELL AS ANY GENERALLY RECOMMENDED REGIONAL OR GLOBAL MINIMUM STANDARDS.

(B) TAKE INTO CONSIDERATION THE EFFECTS ON SPECIES ASSOCIATED WITH OR DEPENDENT UPON HARVESTED SPECIES WITH A VIEW TO MAINTAINING OR RESTORING POPULATIONS OF SUCH ASSOCIATED OR DEPENDENT SPECIES ABOVE LEVELS AT WHICH THEIR REPRODUCTION MAY BECOME SERIOUSLY THREATENED.

3. AVAILABLE SCIENTIFIC INFORMATION, CATCH AND FISHING EFFORTS STATISTICS, AND OTHER DATA RELEVANT TO THE CONSERVATION OF FISH STOCKS SHALL BE CONTRIBUTED AND EXCHANGED ON A REGULAR BASIS THROUGH REGIONAL AND GLOBAL ORGANIZATIONS WHERE APPROPRIATE AND WITH PARTICIPATION BY ALL STATES CONCERNED, INCLUDING STATES WHOSE NATIONALS ARE ALLOWED TO FISH IN THE ECONOMIC ZONE.

ARTICLE 6

1. IN THE EXERCISE OF ITS SOVEREIGN RIGHTS TO EXPLORE AND EXPLOIT, CONSERVE AND MANAGE THE RENEWABLE RESOURCES IN THE ECONOMIC ZONE AS PROVIDED FOR IN ARTICLE 1 THE COASTAL STATE SHALL PROMOTE THE OBJECTIVE OF OPTIMUM UTILIZATION OF THESE RESOURCES WITHOUT PREJUDICE TO THE PROVISIONS OF ARTICLE 5.

2. THE COASTAL STATE SHALL, THROUGH AGREEMENTS OR OTHER ARRANGEMENTS AND PURSUANT TO THE TERMS, CONDITIONS AND REGULATIONS REFERRED TO IN PARA 4, GIVE OTHER STATES ACCESS TO THAT PART OF THE ALLOWABLE CATCH WHICH IT DOES NOT HAVE THE CAPACITY TO HARVEST. THE DETERMINATION OF THE CAPACITY OF THE COASTAL STATE IN THIS RESPECT SHALL REST WITH THE COASTAL STATE.

3. IN GRANTING ACCESS TO OTHER STATES TO ITS ECONOMIC ZONE UNDER THIS ARTICLE, THE COASTAL STATE SHALL TAKE INTO ACCOUNT ALL RELEVANT FACTORS INCLUDING, INTER ALIA, THE SIGNIFICANCE OF THE RENEWABLE RESOURCES OF THE AREA TO THE ECONOMY OF THE COASTAL STATE CONCERNED AND ITS OTHER NATIONAL INTERESTS, THE PROVISIONS OF ARTICLES 8, 9, AND 10, THE REQUIREMENTS OF DEVELOPING COUNTRIES IN THE REGION OR SUB-REGION IN HARVESTING PART OF THE SUR-PLUS AND THE NEED TO MINIMIZE ECONOMIC DISLOCATION IN STATES WHICH HAVE HABITUALLY FISHED IN THE ZONE OR

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HAVE MADE SUBSTANTIAL EFFORTS IN RESEARCH AND IDENTIFICATION OF STOCKS,

4, FISHING BY NATIONALS OF OTHER STATES IN THE ECONOMIC ZONE SHALL COMPLY WITH THE CONSERVATION MEASURES AND WITH THE OTHER TERMS AND CONDITIONS ESTABLISHED IN THE REGULATIONS OF THE COASTAL STATE, THESE REGULATIONS SHALL BE CONSISTENT WITH THE PROVISIONS OF THIS CONVENTION AND MAY RELATE, INTER ALIA, TO THE FOLLOWING:

(A) LICENSING OF FISHERMEN, FISHING VESSELS AND EQUIPMENT, INCLUDING PAYMENT OF FEES AND OTHER FORMS OF REMUNERATION; DEVELOPING STATES IN PARTICULAR MAY REQUIRE ADEQUATE COMPENSATION IN THE FIELD OF FISHING INDUSTRY FINANCING, EQUIPMENT AND FISHERIES TECHNOLOGY;

(B) DETERMINING THE SPECIES WHICH MAY BE CAUGHT, AND FIXING QUOTAS OF CATCH, WHETHER IN RELATION TO PARTICULAR STOCKS OR COMPLEXES OF STOCKS OR CATCH PER VESSEL OVER A PERIOD OF TIME OR TO THE CATCH BY NATIONALS OF ANY STATE DURING A SPECIFIED PERIOD;

(C) REGULATING TIMES AND AREAS OF FISHING, THE TYPES, SIZES AND AMOUNT OF GEAR, AND THE NUMBERS, SIZES AND TYPES OF FISHING VESSELS THAT MAY BE USED;

(D) FIXING THE AGE AND SIZE OF FISH AND OTHER SPECIES THAT MAY BE CAUGHT;

(E) SPECIFYING INFORMATION REQUIRED OF FISHING VESSELS, INCLUDING CATCH AND EFFORT STATISTICS AND VESSEL POSITION REPORTS;

(F) REQUIRING, UNDER THE AUTHORIZATION AND CONTROL OF THE COASTAL STATE, THE CONDUCT OF SPECIFIED FISHERIES RESEARCH PROGRAMMES AND REGULATING THE CONDUCT OF SUCH RESEARCH, INCLUDING THE SAMPLING OF CATCHES, DISPOSITION OF SAMPLES AND REPORTING OF ASSOCIATED SCIENTIFIC DATA;

(G) THE PLACING OF OBSERVERS, TRAINEES OR CREW MEMBERS ON BOARD SUCH VESSELS BY THE COASTAL STATE;

(H) THE LANDING OF ALL OR ANY PARTY OF THE CATCH BY SUCH VESSELS IN THE PORTS OF THE COASTAL STATE;

(I) TERMS AND CONDITIONS RELATING TO JOINT VENTURES OR OTHER COOPERATIVE ARRANGEMENTS;

(J) REQUIREMENTS FOR TRAINING PERSONNEL AND TRANSFER

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OF FISHERIES TECHNOLOGY INCLUDING ENHANCEMENT OF THE
COASTAL STATES' CAPABILITY FOR UNDERTAKING FISHERIES
RESEARCH;

(K) ENFORCEMENT PROCUDURES.

ARTICLE 7

1. STATES SHALL COOPERATE, WITHOUT PREJUDICE TO THE
PROVISIONS OF ARTICLES 5 AND 5, IN SEEKING TO ELABORATE
STANDARDS AND GUIDELINES FOR CONSERVATION AND RATIONAL
UTILIZATION OF THE LIVING RESOURCES IN THE ECONOMIC
ZONE, DIRECTLY OR WITIN THE FRAMEWORK OF APPROPRIATE
INTERNATIONAL FISHERIES ORGANIZATION, WHETHER UNIVERAL
OR REGIONAL.

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2, WHERE THE SAME STOCK OR STOCKS OF ASSOCIATED SPECIES OCCUR WITHIN THE ECONOMIC ZONES OF TWO OR MORE COASTAL STATES, THESE STATES SHALL SEEK EITHER DIRECTLY OR THROUGH APPROPRIATE REGIONAL OR SUB-REGIONAL ORGANIZATIONS TO AGREE UPON THE MEASURES NECESSARY TO COORDINATE AND ENSURE THE CONSERVATION AND EQUITABLE ALLOCATION OF SUCH STOCKS WITHOUT PREJUDICE TO THE OTHER PROVISIONS OF THIS CHAPTER.

3, WHERE THE SAME STOCK OR STOCKS OF ASSOCIATED SPECIES OCCUR BOTH WITHIN THE ECONOMIC ZONE AND IN AN AREA BEYOND AND ADJACENT TO THE ECONOMIC ZONE, THE COASTAL STATE AND STATES FISHING FOR SUCH STOCKS IN THE ADJACENT AREA SHALL SEEK EITHER DIRECTLY OR THROUGH APPROPRIATE REGIONAL OR SUB-REGIONAL ORGANIZATIONS TO AGREE UPON THE MEASURES NECESSARY FOR THE CONSERVATION OF THESE STOCKS IN THE ADJACENT AREA.

4, COASTAL STATES SHALL GIVE TIMELY NOTICE OF CONSERVATION AND MANAGEMENT REGULATIONS.

ARTICLE 8

1, NOTHING IN THIS CONVENTION SHALL PREJUDICE THE RIGHT OF THE COASTAL STATE TO PERMIT NATIONALS OF OTHER STATES TO FISH IN ITS ECONOMIC ZONE,

2, NEIGHBORING STATES MAY THROUGH AGREEMENTS OR OTHER ARRANGEMENTS, AND PURSUANT TO COASTAL STATE REGULATIONS, ALLOW EACH OTHER'S NATIONALS TO FISH IN THEIR RESPECTIVE ECONOMIC ZONES ON THE BASIS OF EQUITABLE PRINCIPLES AND TAKING INTO ACCOUNT ALL RELEVANT ECONOMIC AND GEOGRAPHIC CIRCUMSTANCES.

3, THE PROVISIONS OF THIS ARTICLE ARE WITHOUT PREJUDICE TO THE PROVISIONS OF ARTICLES 5 AND 6.

ARTICLE 9

1, COASTAL STATES WHERE APPROPRIATE NEGOTIATE WITH ADJOINING GEOGRAPHICALLY DISADVANTAGED STATES ON A REGIONAL, SUB-REGIONAL OR BILATERAL LEVEL, CONCERNING

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THE QUESTION OF ACCESS TO THE LIVING RESOURCES OF THE ECONOMIC ZONE OR SPECIFIED AREAS OF THE ZONE, SUCH NEGOTIATIONS SHALL BE BASED ON EQUITABLE PRINCIPLES AND SHALL TAKE INTO ACCOUNT ALL RELEVANT ECONOMIC AND GEOGRAPHIC CIRCUMSTANCES INCLUDING THE LEVEL OF ECONOMIC DEVELOPMENT OF THE GEOGRAPHICALLY DISADVANTAGED STATE CONCERNED, AND THE NEED TO AVOID EFFECTS WHICH WOULD BE DETRIMENTAL TO THE FISHING COMMUNITIES OF THE COASTAL STATE OR ITS FISHING INDUSTRY.

2, IN CASES WHERE GEOGRAPHICAL PECULARITIES OF A REGION OR A SUB-REGION MAKE A DEVELOPING STATE PARTICULARLY DEPENDENT FOR THE SATISFACTION OF THE NUTRITIONAL NEEDS OF ITS POPULATION UPON PARTICIPATION IN THE EXPLOITATION OF THE LIVING RESOURCES OF THE ECONOMIC ZONE OF COASTAL STATES, THE COASTAL STATES CONCERNED SHALL NEGOTIATE WITH SUCH STATE WITH A VIEW TO GRANTING PREFERENTIAL RIGHTS AS APPROPRIATE.

ARTICLE 10

1, LAND-LOCKED STATES SHALL HAVE ACCESS TO PARTICIPATE IN THE EXPLOITATION OF THE LIVING RESOURCES OF THE ECONOMIC ZONES OR SPECIFIED AREAS OF THE ZONE OF ADJOINING COASTAL STATES ON AN EQUITABLE BASIS TAKING INTO ACCOUNT ALL RELEVANT ECONOMIC AND GEOGRAPHIC CIRCUMSTANCES. BILATERAL, SUB-REGIONAL OR REGIONAL AGREEMENTS CONCERNING THE MODALITIES OF PARTICIPATION SHALL BE NEGOTIATED.

2, THE PROVISION OF PARA 1 SHALL BE WITHOUT PREJUDICE TO ARRANGEMENTS AGREED UPON IN REGIONS WHERE, DUE TO PARTICULAR CIRCUMSTANCES, COASTAL STATES ARE PREPARED TO GRANT TO LAND-LOCKED STATES OF THE REGION EQUAL OR PREFERENTIAL RIGHTS FOR THE EXPLOITATION OF THE LIVING RESOURCES IN THE ECONOMIC ZONES.

ARTICLE 11

RIGHTS TO EXPLOIT THE LIVING RESOURCES GRANTED UNDER THE PROVISIONS OF ARTICLES 8, 9 AND 10 CANNOT WITHOUT THE CONSENT OF THE COASTAL STATE BE TRANSFERRED TO THIRD STATES OR THEIR NATIONALS BY LEASE OR LICENSE, BY ESTABLISHING JOINT COLLABORATION VENTURES OR BY ANY OTHER ARRANGEMENT.

ARTICLE 12

1, IN THE EXERCISE OF ITS SOVEREIGN RIGHTS OVER THE LIVING
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RESOURCES IN THE ECONOMIC ZONE, THE COASTAL STATE SHALL REGULATE FISHING FOR HIGHLY MIGRATORY SPECIES LISTED IN ANNEX A, IN ACCORDANCE WITH THIS AND OTHER RELEVANT ARTICLES OF THIS CHAPTER.

2, THE COASTAL STATE SHALL CO-OPERATE DIRECTLY AND THROUGH APPROPRIATE INTERNATIONAL ORGANIZATIONS, WITH OTHER STATES WHOSE NATIONALS FISH HIGHLY MIGRATORY SPECIES IN THE REGION, WITH A VIEW TO ENSURING CONSERVATION AND OPTIMUM UTILIZATION OF SUCH SPECIES. IN REGIONS WHERE NO APPROPRIATE INTERNATIONAL ORGANIZATION EXISTS, THE COASTAL STATE AND OTHER STATES WHOSE NATIONALS HARVEST THESE SPECIES IN THE REGION, SHALL ESTABLISH SUCH ORGANIZATION AND SHALL PARTICIPATE IN ITS WORK.

3, ON THE BASIS OF BEST SCIENTIFIC EVIDENCE AVAILABLE AND OTHER RELEVANT INFORMATION, THE ORGANIZATION SHALL FORMULATE STANDARDS WITH RESPECT TO HIGHLY MIGRATORY SPECIES THAT WILL ENSURE, THROUGHOUT THE REGION, BOTH WITHIN AND BEYOND THE ECONOMIC ZONE, CONSERVATION AND OPTIMUM UTILIZATION. TO THIS END THE ORGANIZATIONS CONCERNED SHALL FORMULATE STANDARDS OR RECOMMENDATIONS WITH REGARD TO, INTER ALIA, ALLOWABLE CATCH, EQUITABLE ALLOCATION, ISSUANCE OF PERMITS, A UNIFORM SYSTEM OF FEES AND PENALTIES.

4, IN FORMULATING SUCH STANDARDS OR RECOMMENDATIONS THE ORGANIZATION SHALL TAKE INTO ACCOUNT ALL RELEVANT CIRCUMSTANCES INCLUDING INTER ALIA, THE EFFECTS ON RELATED OR DEPENDENT SPECIES, THE REQUIREMENTS OF COASTAL STATES VESSELS WHICH FISH ONLY WITHIN THEIR RESPECTIVE ZONES, THE HARVESTING CAPACITY OF COASTAL STATES OF THE REGION, THE NEED TO MINIMIZE ECONOMIC DISLOCATION AND OTHER RELEVANT MANAGEMENT AND CONSERVATION CRITERIA CONTAINED IN ARTICLES 5 AND 6.

5, THE ADOPTION OF STANDARDS AND RECOMMENDATIONS BY THE ORGANIZATION SHALL REQUIRE, IN THE ABSENCE OF AGREEMENT, A TWO-THIRDS MAJORITY, INCLUDING THE VOTES OF ALL COASTAL STATES OF THE REGION PRESENT AND VOTING.

6, TO ACHIEVE UNIFORMITY AND EFFECTIVE CONSERVATION THROUGHOUT THE REGION, THE STATES CONCERNED SHALL ENSURE THAT THEIR LAWS AND REGULATIONS ARE IN CONFORMITY WITH

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THE STANDARDS FORMULATED BY THE ORGANIZATION, AND TAKE INTO ACCOUNT ITS RECOMMENDATIONS WITH REGARD TO ALLOCATION, PERMITS, FEES AND PENALTIES.

7. WITHIN THE ECONOMIC ZONE, THE COASTAL STATE SHALL ADOPT EFFECTIVE MEASURES TO ENSURE COMPLIANCE BY ALL VESSELS WITH THE APPLICABLE STANDARDS AND REGULATIONS, IN ACCORDANCE WITH ARTICLE 15.

8. NOTHING IN THIS CONVENTION SHALL RESTRICT THE RIGHT OF A COASTAL STATE OR INTERNATIONAL ORGANIZATION, AS APPROPRIATE, TO PROHIBIT, REGULATE AND LIMIT THE EXPLOITATION OF MARINE MAMMALS. STATES SHALL CO-OPERATE EITHER DIRECTLY OR THROUGH APPROPRIATE INTERNATIONAL ORGANIZATIONS WITH A VIEW TO THE PROTECTION AND MANAGEMENT OF MARINE MAMMALS.

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ARTICLE 13

1. STATES HAVE THE PRIMARY INTEREST IN AND RESPONSIBILITY FOR ANADROMOUS STOCKS ORIGINATING IN THEIR RIVERS.
2. THE STATE OF ORIGIN OF ANADROMOUS STOCKS SHALL ENSURE THEIR CONSERVATION BY THE ESTABLISHMENT OF APPROPRIATE REGULATORY MEASURES FOR FISHING IN ALL WATERS WITHIN THE OUTER LIMITS OF ITS ECONOMIC ZONE AND FOR FISHING PROVIDED FOR IN PARAGRAPH 3 (B). THE STATE OF ORIGIN MAY, AFTER CONSULTATION WITH OTHER STATES FISHING THESE STOCKS, ESTABLISH TOTAL ALLOWABLE CATCHES FOR STOCKS ORIGINATING IN ITS RIVERS.
3. A. FISHERIES FOR ANADROMOUS STOCKS SHALL BE CONDUCTED ONLY IN THE WATERS WITHIN THE OUTER LIMITS OF ECONOMIC ZONES, EXCEPT IN CASES WHERE THIS PROVISION WOULD RESULT IN ECONOMIC DISLOCATION FOR A STATE OTHER THAN THE STATE OF ORIGIN.
B. THE STATE OF ORIGIN SHALL CO-OPERATE IN MINIMIZING ECONOMIC DISLOCATION IN SUCH OTHER STATES FISHING THESE RESOURCES, TAKING INTO ACCOUNT THE NORMAL CATCH AND THE MODE OF OPERATIONS OF SUCH STATES, AND ALL THE AREAS IN WHICH SUCH FISHING HAS OCCURRED.
C. STATES REFERRED TO IN SUB-PARAGRAPH (B), PARTICIPATING BY AGREEMENT WITH A STATE OF ORIGIN IN MEASURES TO RENEW AN ANADROMOUS STOCK, PARTICULARLY BY EXPENDITURES FOR THAT PURPOSE, SHALL BE GIVEN SPECIAL CONSIDERATION BY THE STATE OF ORIGIN IN THE HARVEST OF STOCKS ORIGINATING IN ITS RIVERS.
D. ENFORCEMENT OF REGULATIONS REGARDING ANADROMOUS STOCKS BEYOND THE CONOMIC ZONE SHALL BE BY AGREEMENT BETWEEN THE STATE OF ORIGIN AND THE OTHER STATES CONCERNED.
4. IN CASES WHERE ANADROMOUS STOCKS MIGRATE INTO OR THROUGH THE WATERS WITHIN THE OUTER LIMIT OF THE

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ECONOMIC ZONE OF A STATE OTHER THAN THE STATE OF ORIGIN, SUCH STATE SHALL CO-OPERATE WITH THE STATE OF ORIGIN WITH REGARD TO THE CONSERVATION AND MANAGEMENT OF SUCH STOCKS.

5. THE STATE OF ORIGIN OF ANADROMOUS STOCKS AND OTHER STATES FISHING THESE STOCKS, SHALL MAKE ARRANGEMENTS FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS ARTICLE, WHERE APPROPRIATE, THROUGH REGIONAL ORGANIZATIONS.

ARTICLE 14

1. A STATE IN WHOSE WATERS CATADROMOUS SPECIES SPEND THE GREATER PART OF THEIR LIFE CYCLE SHALL HAVE RESPONSIBILITY FOR THE MANAGEMENT OF THESE SPECIES AND SHALL ENSURE THE INGRESS AND EGRESS OF MIGRATING FISH.

2. HARVESTING OF CATADROMOUS SPECIES SHALL BE CONDUCTED ONLY IN WATERS IN RESPECT OF WHICH THE STATE MENTIONED IN PARAGRAPH 1 EXERCISES SOVEREIGN RIGHTS OVER THE LIVING RESOURCES AND, WHEN CONDUCTED IN THE ECONOMIC ZONE, SHALL BE SUBJECT TO THE PROVISIONS OF THIS CONVENTION CONCERNING FISHING IN THE ZONE.

3. WHEN CATADROMOUS FISH MIGRATE THROUGH THE WATERS OF ANOTHER STATE OR STATES, WHETHER AS JUVENILE OF MATURING FISH, THE MANAGEMENT OF SUCH FISH SHALL BE REGULATED BY AGREEMENT BETWEEN THE STATE MENTIONED IN PARAGRAPH 1 AND THE STATE OR STATES CONCERNED. SUCH AGREEMENT SHALL ENSURE THE RATIONAL MANAGEMENT OF THE SPECIES AND TAKE INTO ACCOUNT THE RESPONSIBILITIES OF THE STATE MENTIONED IN PARAGRAPH 1 FOR THE MAINTENANCE OF THESE SPECIES.

ARTICLE 15

THE COASTAL STATE MAY, IN THE EXERCISE OF ITS SOVEREIGN RIGHTS TO EXPLORE, EXPLOIT, CONSERVE AND MANAGE THE LIVING RESOURCES IN THE ECONOMIC ZONE, TAKE SUCH MEASURES, INCLUDING BOARDING, INSPECTION, ARREST AND JUDICIAL PROCEEDINGS, AS MAY BE NECESSARY TO ENSURE COMPLIANCE WITH ITS LAWS AND REGULATIONS IN ACCORDANCE WITH THE PROVISIONS OF THIS CONVENTION.

ARRESTED VESSELS AND THEIR CREW SHALL BE PROMPTLY RELEASED UPON THE POSTING OF REASONABLE BOND OR OTHER SECURITY.

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COASTAL STATE PENALTIES FOR VIOLATIONS OF FISHERIES
REGULATIONS IN THE ECONOMIC ZONE MAY NOT INCLUDE
IMPRISONMENT, IN THE ABSENCE OF AGREEMENT TO THE
CONTRARY BY THE STATES CONCERNED, OR ANY OTHER FORM
OF CORPORAL PUNISHMENT.

IN CASES OF ARREST OR DETENTION OF FOREIGN VESSELS
THE COASTAL STATE SHALL PROMPTLY INFORM THROUGH DIP-
LOMATIC OR SIMILAR CHANNELS THE STATE OF REGISTRY OF
THE ACTION TAKEN AND OF ANY PENALTIES SUBSEQUENTLY
IMPOSED.

ANNEX A, HIGHLY MIGRATORY SPECIES (#)

1. ALBACORE TUNA
2. BLUEFIN TUNAS
3. BUGEYE TUNA
4. SKIPJACK TUNAS
5. YELLOWFIN TUNA
6. BLACKFIN TUNA
7. LITTLE TUNA
8. FRIGATE MACKERELS
9. POMFRETS
10. MARLIN
11. SAILFISHES
12. SWORDFISH
13. SAURIES
14. DOLPHIN (FISH)
15. OCEANIC SHARKS
16. CETACEANS (WHALES AND PORPOISES)

(#) THE COMMON NAMES CITED IN THIS ANNEX ARE FOUND
IN THE FOOD AND AGRICULTURE ORGANIZATION YEARBOOK OF
FISHERY STATISTICS. THE CONTENT OF THE ANNEX MAY BE
RECONSIDERED IN THE LIGHT OF ADVICE FROM FAO NOW
BEING SOUGHT.

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C O N F I D E N T I A L GENEVA 2838
FROM USDEL LOS
E.O. 11652: GDS
TAGS: PLOS

SUBJ: LOS: CONSULTATIONS WITH SOVIETS ON MARINE
RESEARCH, APRIL 9, 1975

1, IN RESPONSE TO THEIR REQUEST, DELEGATION MEMBERS
MET WITH SOVIETS TO DISCUSS L. 26. SOVIETS INDICATED THAT
FORMULA "RESEARCH RELATED TO EXPLORATION AND EXPLOITATION"
OF RESOURCES COULD BE READ AS "RESEARCH CONCERNING
RESOURCES." SOVIETS WENT OUT OF THEIR WAY TO MAKE POINT
THAT MOST RESEARCH ON CONTINENTAL SHELF WOULD BE RESOURCE
RELATED. WHEN PRESSED AS TO HOW DISAGREEMENTS ON WHETHER
RESEARCH WAS OR WAS NOT RESOURCE RELATED WOULD BE RESOLVED,
SOVIETS RESPONDED FIRST THAT RESEARCH VESSEL WOULD NOT
BEGIN THE PROJECT UNTIL THE ISSUE WAS RESOLVED BUT LATER
INDICATED THAT THEY HAD NO POSITION ON THAT QUESTION.
SUBSEQUENTLY, THEY STATED THAT THEY COULD ACCEPT DISPUTE
SETTLEMENT PROCEDURE.

2, SOVIETS SAID IT WOULD BE NECESSARY TO ELABORATE SOME
GUIDELINES FOR DISTINGUISHING BETWEEN RESOURCE RELATED
AND NON-RESOURCE RELATED RESEARCH. THEY THEN PROVIDED THE
FOLLOWING AS THEIR FIRST TENTATIVE ATTEMPT TO DEFINE
RESOURCE RELATED AND NON-RESOURCE RELATED RESEARCH:
QTE 1, WITHIN THE ECONOMIC ZONE ESTABLISHED IN ACCORD-
ANCE WITH THIS CONVENTION, MARINE SCIENTIFIC RESEARCH
RELATED TO EXPLORATION AND EXPLOITATION OF THE LIVING
AND NON-LIVING RESOURCES OF THE ZONE, I.E., THE RE-
SEARCH WHICH MAKES IT POSSIBLE TO LOCATE THE RESOURCES,
TO ASSESS THEM, TO SURVEY THE RESERVE OF THE RESOURCES
AND ITS AVAILABILITY FOR COMMERCIAL EXPLOITATION AS
WELL AS THE RESEARCH CARRIED OUT BY USING EXPLOSIONS
AND DRILLING SHALL BE CONDUCTED WITH THE CONSENT OF THE
COASTAL STATE.

2, WITHIN THE ECONOMIC ZONE ESTABLISHED IN ACCORDANCE
WITH THIS CONVENTION, MARINE SCIENTIFIC RESEARCH NON-

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RELATED TO EXPLORATION AND EXPLOITATION OF THE LIVING
AND NON-LIVING RESOURCES OF THE ZONE, I.E., MARINE
SCIENTIFIC RESEARCH WITH THE EXCEPTION OF THOSE
REFERRED TO IN PARAGRAPH 1 OF THIS ARTICLE, SHALL
BE CONDUCTED AFTER PRIOR NOTIFICATION, END ATE.

3. COMMENT: DISTINCTION SET FORTH IN L 26, EVEN WITH
THE PRELIMINARY DEFINITION CREATES A VAGUE AND AMBIGUOUS
DISTINCTION. HOWEVER, IT IMPOSES ON RESEARCH STATE
VIRTUALLY ALL THE OBLIGATIONS WE PROPOSED IN L 44 BUT
ALSO GIVES COASTAL STATE CONSENT FOR RESEARCH "RELATED
TO THE EXPLORATION AND EXPLOITATION OF RESOURCES," THUS,
IT SHOULD BE MORE ATTRACTIVE TO DEVELOPING COUNTRIES
THAN OUR APPROACH. OUR PRESENT POSTURE IS TO CONTINUE
TO SUPPORT STRONGLY L 44 AND TO INQUIRE ABOUT LDC
RECEPTION TO L 26 AND CONTINUE TO TREAT SOVIET DIS-
TINCTION AS SEPARATING SCIENTIFIC RESEARCH FROM COM-
MERCIAL EXPLORATION. SOVIETS, HOWEVER, APPEAR TO
TREAT DISTINCTION AS MERELY SCIENTIFIC RESEARCH RELATED
TO RESOURCES OR UNRELATED,
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General
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FROM USDEL LOS

E.O. 116521 GDS

TAGS: PLOS

SUBJ: LOSI COMMITTEE I INFORMAL WORKING GROUP - APRIL 16

1. WG CHAIRMAN (PINTO) OPENED MEETING WITH STRONG APPEAL FOR GROUP OF 77 TO ACCEPT ANONYMOUS SINGLE DRAFT BASIC CONDITIONS (CAB 12) AND NOT GO BACK OT L. 7 FROM CARACAS. PINTO ALSO MADE PLEA, SPEAKING AS SRI LANKA REP, FOR EXPEDITED PROGRESS, POINTING OUT THAT LDC(S) WILL GET NO CONTROL WHATSOEVER OVER EXPLOITATION ACTIVITIES IF THERE IS NO TREATY AND THAT TIME IS RUNNING OUT.

2. BULGARIA REP REQUESTED CLARIFICATION OF STATUS OF SINGLE-TEXT PAPER TO BE DRAFTED BY CHAIRMAN AND EXPRESSED PREFERENCE FOR MORE FORMAL DECISIONS THAN CHAIRMAN'S ASSUMPTION THAT SILENCE IS ACQUIESCENCE. UKRAINE REP RAISED JURIDICAL AND CONCEPTUAL ISSUES DEBATED EXTENSIVELY IN SEABED COMMITTEE. USSR REP SUPPORTED MOVE BY US REP TO DELETE PARAS 1 AND 2 OF CAB 12 SINCE THEY WERE COVERED BY REGIME ARTICLES ALTHOUGH WANTED TO REFER TO QTE LEGAL ARRANGEMENTS UNQTE INSTEAD OF QTE OTHER ASSOCIATIONS UNQTE IN ADDITION TO CONTRACTS, JOINT VENTURES, ETC. IN JUXTAPOSITION TO PINTO APPEALS, EASTERN BLOC STATEMENTS WERE NOT HELPFUL.

3. PERU REP (GROUP OF 77 CHAIRMAN) SOUGHT TO CHANGE LANGUAGE OF CAB 12, PARA 2, TO CONFORM MORE CLOSELY TO L 7. GHANA REP SUPPORTED USING CAB 12 AS BASIS DISCUSSION. GROUP OF 77 APPEARS DIVIDED AND UNABLE THEREFORE TO MOVE IN UNIFIED MANNER FROM EXISTING POSITION, ALTHOUGH EFFORTS CONTINUE BY SOME TO AGREE ON CHANGE. DIFFICULTY IS DUE TO HOLD-OUT OF SOME HARDLINERS IN GROUP OF 77 WHO WIFM TO RETURN TO ORIGINAL GROUP OF 77 PROPOSALS AS BASIS FOR FINAL TREATY TEXT. ONE OF THESE HARDLINERS IS TANZANIA A MAJOR LEADER

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